

**MARION TOWNSHIP
ZONING BOARD OF APPEALS**

Monday, November 4, 2019
7:30 p.m.

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIENCE

APPROVAL OF AGENDA *November 4, 2019*

INTRODUCTION OF MEMBERS

CALL TO PUBLIC

APPROVAL OF MINUTES FOR: *September 9, 2019 Regular Meeting*

OLD BUSINESS: None

NEW BUSINESS:

- 1) ZBA Case #05-19 Gary McKay 1451 Triangle Lake Rd. Howell MI 48843
 Seeking Interpretation of 6.10 and a variance for Section 8.04 E.3
 ERS-1 Front Yard Setback of 50 Feet. 4710-27- 401-019

CALL TO PUBLIC:

ADJOURNMENT:

Submitted by: S. Longstreet

Approved: _____

MARION TOWNSHIP
ZONING BOARD OF APPEALS
SEPTEMBER 9, 2019

MEMBERS PRESENT: Larry Fillinger, Linda Manson-Dempsey, Larry Grunn, Dan Lowe, and Ed Galubensky (alternate for Dan Rossbach)

MEMBERS ABSENT: Dan Rossbach

OTHERS PRESENT: Dave Hamann, Zoning Administrator

CALL TO ORDER

Larry Fillinger called the meeting to order at 7:32 p.m.

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

APPROVAL OF AGENDA

Linda Manson-Dempsey motioned to approve the agenda as presented. Larry Grunn seconded. **Motion carried.**

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

July 1, 2019 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Ed Galubensky seconded. **Motion carried.**

OLD BUSINESS: None

NEW BUSINESS

ZBA Case #03-19—Evergreen Outdoor, Inc., 386 Lucy Rd., Howell MI, Tax Code #4710-01-200-004; Variance Request for Section 10.01 E 3 Minimum Setback; Section 6.07 Accessory Structures; Section 6.13 B Landscaping Buffer

The owner of the property, Dan Brockway, was present to ask for variances for a proposed contractor's storage yard on his legal, non-conforming lot that is zoned Light Industrial (LI.) He is requesting a 67' front yard setback rather than the 100' that is required; he said many of the existing buildings on Lucy Road are similar distance from the front lot line. The ordinance requires a 150' side yard setback; however, his property is only 150' wide. He is also asking for a variance for the size and location of the pole barn (Section 6.07.) Lastly, he's asking that the required landscape buffer on the front be reduced from 50' to 22', and the buffer on the side and rear yards be

reduced from 25' to 6', that the minimum tree and shrub requirements be waived, and the fencing requirement along the side and rear yards be waived. Mr. Brockway said the site plan provided to the ZBA is essentially the same as was presented to the Planning Commission, with their requests for water retention added.

Dan Lowe asked about the 30' section between the proposed new building and the landscaping in front; he would prefer that area not be used for storage. He also feels that a 6' setback for the building on the north side of the property is too small, and a 10' setback would be more appropriate.

No response was heard from the Call to the Public.

Mr. Brockway said he would be willing to provide something in writing regarding future screening if there's a change in the surrounding property use.

The ZBA members discussed whether Section 6.07 applies to commercial property; the consensus was that section is intended for residential properties.

Dave Hamann reminded the ZBA members that this site plan will go back to the Planning Commission for final review.

Motion

Linda Manson-Dempsey motioned for ZBA Case #03-19—Evergreen Outdoor, Inc., 386 Lucy Rd., Howell MI, Tax Code #4710-01-200-004, to grant a 33' front yard variance, a side yard setback variance on the north side of the property for 10' rather than 150', and 6' on the south and west sides of the property. The Zoning Board of Appeals members determined that a variance for Section 6.07 isn't required, as they feel that section is not meant for commercial property. The ZBA members also request that the owner provide a notarized letter to the township regarding fencing on the north, south and west sides of the property in the event there is a change in the adjoining properties. A variance for Section 6.13 B was granted to reduce the greenbelt buffer requirement to 6' on side and rear of the property. The ZBA granted these variations considering the following criteria:

1. That the restrictions of the township zoning ordinance would unreasonably prevent the owner from using the property for a permitted use. *This lot was created prior to the current ordinance, and the restrictions would prevent the owner from using the property.*
2. That the variance would do substantial justice to the applicant and a lesser relaxation than that requested would not give a substantial relief to the owner of the property. *For the same reason as number 1 above, this lot is very small and in an industrial area.*
3. That the request is due to the unique circumstances of the property. *This request is granted because of the unique circumstances.*
4. That the alleged hardship has not been created by a property owner. *This property owner did not create the hardship.*
5. That the difficulty shall not be deemed solely economic. *Economics is not a factor for this variance*

Larry Grunn seconded. Roll call vote: Lowe, Grunn, Fillinger, Manson-Dempsey, Galubensky—all yes. **Motion carried 5-0.**

ZBA Case #04-19—Patricia Wolf, 3003 Jewell Rd., Tax Code #4710-09-400-012; Variance Request for Section 8.01 F1a and 8.01 F3a Minimum Setback

Patricia and Dan Wolf were present for this ZBA case. Mr. Wolf said they don't want to make any changes, they want the property to be used as it has been for 35 years, and they are obligated to follow the instructions in Dorothy Esper's trust that the property be sold. A document was filed with the Register of Deeds in 1984, but only

three of the four parcels were "created." They need a tax parcel number in order to sell the 1.44 acre parcel that contains the house. One of the variances they are requesting is lot size: the current requirement in that zoning district is two acres, but at the time of the land division, the requirement was less. They are also asking for a variance for the front yard setback because the remainder parcel is a "flag lot" and doesn't meet the setback requirement for structures currently on it.

Linda Manson-Dempsey said she feels that the applicant doesn't need a variance; Dan Lowe agreed.

Call to the Public

Patrick Esper, 3025 Jewell Rd., representing Joanne Esper, said he has concerns about the utility easements if the parcel is split. Linda Manson-Dempsey said that isn't a consideration for the ZBA.

No other comments were received.

Letters supporting this request were received from Pauline Hastie, Laura Wolf, Melissa Wolf, John Esper, and Tricia McDaniel, all grandchildren of John and Dorothy Esper.

Mr. Wolf said they want to be able to sell this parcel to a family member, but they need a tax code number in order to proceed.

Dan Lowe said he believes the parcel was actually created when the documents were recorded.

Stacy Dunlap, 5155 Preston Rd., said the township attorney took his time in responding to this situation.

Motion

Linda Manson-Dempsey motioned for ZBA Case #04-19 that because this has been a lot of record since 1984 and the intent to divide the parcels was clear, there are no variances required for this request. This is a valid split and the ZBA asks that the assessor issue a tax code number for the 1.44 acre parcel. Larry Grunn seconded. Roll call vote: Galubensky, Manson-Dempsey, Fillinger, Grunn, Lowe—all yes. **Motion carried 5-0.**

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 8:37 pm. Larry Grunn seconded. **Motion carried.**

APPLICATION TO ZONING BOARD OF APPEALS

ZBA Case # 5-19
Tax Code 4710-27-401-019
Current Zoning ERS-1
Fee Paid \$ 400
Date Received 10-14-19
Received by SANDI

Applicant GARY J MCKAY
Address 1451 TRIANGLE LAKE RD
Telephone 313 304 7100
(Home) (Cell)

Applicant is (check one): Owner Purchaser Representative

Purchaser or Representative needs a letter of permission from owner

Nature of Request (check applicable one)

- Variance Request (see below)
- Administrative Review (per Section 5.05 A)
- Interpretation of Ordinance (per Section 5.05 B 1, 2, 3 or 4)

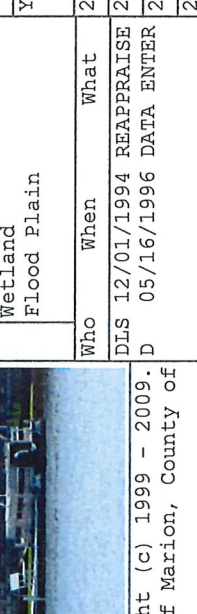
1. Zoning Ordinance Section(s) V.B.04E³ 16.10

- 2. Letter stating reason request should be granted (per Section 5.05 C)
- 3. Requirement per Section 4.03 D
- 4. Required Livingston County Health Department evaluation

Office Use Only	
Meeting Date <u>11/4/19</u>	Action Taken _____
Conditions (if applicable)	_____
Signed _____	_____

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prct. Trans.						
MCKAY GARY & SUSAN	MCKAY GARY J & SUSAN H	0	11/16/2018	WD	LIFE ESTATE/TRUST	2018R-033809		0.0						
MCKAY SUSAN	MCKAY GARY & SUSAN	0	08/25/2016	QC	QUIT CLAIM	2016R-027780		0.0						
CHEIDLER VALERIE	MCKAY SUSAN	103,000	02/12/2010	WD	SHORT SALE	2010R-004588	PTA	100.0						
CHEIDLER VALERIE	MERS	186,947	08/19/2009	SD	FORECLOSURE	2009R-024275		0.0						
Property Address		Class: RESIDENTIAL - IMP Zoning: ERS-1							Status					
451 TRIANGLE LAKE RD		School: HOWELL							08/07/2018	2018-01930	40% COMPLETE			
Owner's Name/Address		P.R.E. 100% 06/15/2012							06/25/2018	2018-01476	FINISHED			
MCKAY GARY J & SUSAN H		MAP #: TR1KGBH												
451 TRIANGLE LAKE RD		2020 Est TCV Tentative												
HOWELL MI 48843-8958		X Improved												
Tax Description		X Vacant												
2N, R4E, SEC. 27 GEHRINGER'S TRIANGLE LAKE SUB LOTS 19 AND 20		Public												
Comments/Influences		Improvements												
ADDRESS CHANGED PER TREASURER'S OFFICE		Dirt Road												
**9/16/10 SJL		Gravel Road												
MC DEED (2009R-026813) TRANSFERRING FROM MERS TO FANNIE MAE		Paved Road												
**9/30/09 SJL		Storm Sewer												
HANGED EFFECTIVE AGE OF HOME AND OTHER MINOR HOUSE SPEC CHANGES AS ADJUSTMENTS ONLY. ADDED VALUE OF DECK AS NEW TAXABLE FOR 2007.		Sidewalk												
		Water												
		Sewer												
		Electric												
		Gas												
		Curb												
		Street Lights												
		Standard Utilities												
		Underground Utils.												
		Topography of Site												
		Level												
		Rolling												
		Low												
		High												
		Landscaped												
		Swamp												
		Wooded												
		Pond												
		Waterfront												
		Ravine												
		Wetland												
		Flood Plain												
Who	When	What	Land Value							Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
X			Tentative							Tentative	Tentative			Tentative
DLS	12/01/1994	REAPPRAISE	47,000							58,600	105,600			105,600S
D	05/16/1996	DATA ENTER	47,000							48,700	95,700			84,261C
			47,000							50,600	97,600			82,528C

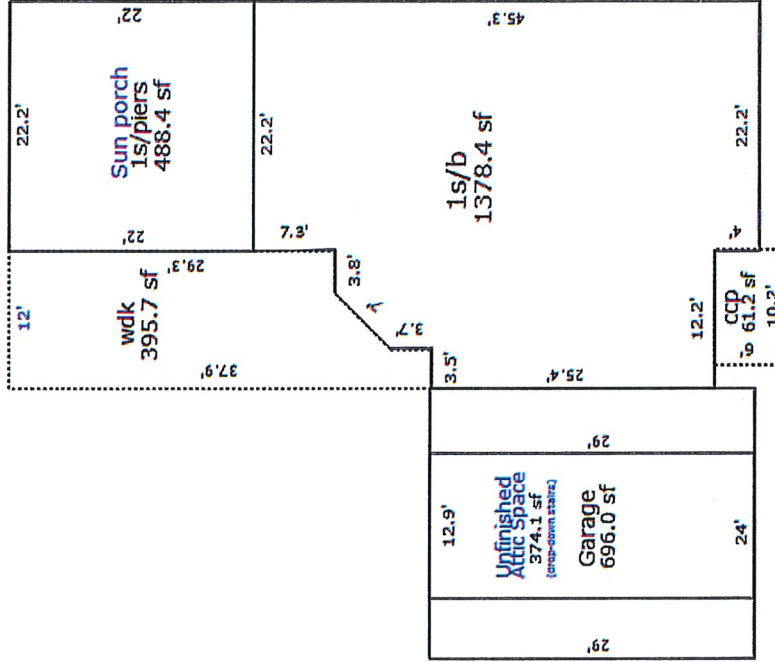
* Factors *
 Description Frontage Depth Front Depth Rate %Adj. Reason Value
 GEHRINGER 92.00 118.00 1.0000 0.7867 1300 100 94,085
 92 Actual Front Feet, 0.25 Total Acres Total Est. Land Value = 94,085



the Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Marion, County of Livingston, Michigan
 *** Information herein deemed reliable but not guaranteed***

Building Type		(3) Roof (cont.)		(11) Heating/Cooling		(15) Built-ins		(16) Porches/Decks		(17) Garage	
Single Family Mobile Home Town Home Duplex A-Frame X Wood Frame		X Eavestrough X Insulation 12 Front Overhang 12 Other Overhang (4) Interior X Drywall X Plaster Paneled Wood T&G Trim & Decoration Ex X Ord Min Size of Closets Lg X Ord Small Doors Solid X H.C.		X Gas Oil Elec. Wood Coal Steam Forced Air w/o Ducts Forced Air w/ Ducts Electric Baseboard Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling Central Air Wood Furnace (12) Electric 200 Amps Service		1 Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl.Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System		Area Type 61 CCP (1 Story) 391 Treated Wood Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Yes Auto. Doors: 2 Mech. Doors: 0 Area: 696 % Good: 0 Storage Area: 374 No Conc. Floor: 0		Year Built: 2018 Car Capacity: 2 Class: BC Exterior: Siding Brick Ven.: 0 Stone Ven.: 0 Common Wall: 1 Wall Foundation: 42 Inch Finished?: Yes Auto. Doors: 2 Mech. Doors: 0 Area: 696 % Good: 0 Storage Area: 374 No Conc. Floor: 0	
Building Style: 1 STORY Yr Built Remodeled 2018 0 Condition: Average art. Construct.: 40% Room List Basement 5 1st Floor 2nd Floor 1 Bedrooms		(5) Floors Kitchen: Other: Other: (6) Ceilings X Drywall X Cathedral (7) Excavation Basement: 1378 S.F. Crawl: 0 S.F. Slab: 0 S.F. Height to Joists: 8.1 (8) Basement Conc. Block 10 Poured Conc. Stone Treated Wood X Concrete Floor (9) Basement Finish Recreation SF Living SF Walkout Doors 2 No Floor SF (10) Floor Support Joists: 2X4 Unsupported Ien: Cntr.Sup: 160C		No./Qual. of Fixtures Ex. X Ord. Min No. of Elec. Outlets Many X Ave. Few (13) Plumbing Average Fixture(s) 1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet 1 Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove 1 Vent Fan (14) Water/Sewer Public Water Public Sewer Water Well 1 1000 Gal Septic 1 2000 Gal Septic Lump Sum Items:		Cost Est. for Res. Bldg: 1 Single Family 1 STORY Cls BC Blt 2018 (11) Heating System: Forced Heat & Cool Ground Area = 1866 SF Floor Area = 1866 SF. Phy/Ab.Phy/Func/Econ/Comb. % Good=98/100/100/100/98 Building Areas Stories Exterior Foundation 1 Story Siding Basement 1 Story Siding Piers Other Additions/Adjustments Exterior Stone Veneer 110 2 4,257 4,172 5,844 Basement, Outside Entrance, Below Grade Plumbing Extra Sink 1 1,168 1,145 Vent Fan 1 300 294 Water/Sewer 1 4,677 4,583 1000 Gal Septic 1 9,722 9,528 Water Well, 200 Feet Porches CCP (1 Story) 61 1,904 1,866 Deck Treated Wood 391 5,654 5,541 Garages Class: BC Exterior: Siding Foundation: 42 Inch (Finished) Base Cost 696 36,053 35,332 Storage Over Garage 374 5,576 5,464 Common Wall: 1 Wall 1 -2,586 -2,534 Door Opener 2 1,134 1,111 Built-Ins <<<<< Calculations too long. See Valuation printout for complete pricing. >>>>>					

**** Information herein deemed reliable but not guaranteed****



Sketch by Apex Sketch

*** Information herein deemed reliable but not guaranteed***

History of Construction for 1451 Triangle Lake Road

2013 thru 2017 – Three variance applications with the Livingston Count Health Department.

February 2017 – Last variance approved. Approval based on building within the footprint of the original house and garage. Adding 285 square feet which will attach the garage to the house. Removing the existing septic tank and installing a new 1500 tank. Reusing the existing drainage field that was tested and deemed in good working order by the health department. The field's existence is noted on a 1992 LCHD document and a 2012 LCHD document.

February 2017 through April 2018 – Design house per variance. Engineer site plan. Obtain land use and building permits.

June 2018 – Demolish house. At the end of demolition, a septic tank was found sitting against the basement foundation. The tank was pumped and demolition continued. The existing septic tank was uncovered and it was found that it was not a tank. It was two drywells that connected to the septic tank found against the foundation. Further investigation found that there was no drain line leaving the area of the drywells or the tank that would have went to the existing field. Further investigation confirmed that there was not an existing drain field.

July 2018 – Meeting on site with Fielek Builders, Myers Excavating, Matt Bolang and Aaron Aumock from the health department. It was determined on site that the property, as engineered, would accommodate an engineered septic system. The health department officials agreed that if the new site plan with the engineered system met all requirements and setbacks, they would approve the new plan without a new variance.

August 2018 – New site plan submitted. Health department approved. Obtain new land use permit and building permit.

August 2018 thru September 2019 – House under construction. It became time to construct the deck as shown on the site plan in August. When the deck constructors looked at the site plan and the engineered septic system as installed, they determined that the deck could not be constructed as shown. The pillars to hold the deck would have to be in the drainage field which is not allowed.

September 2019 – A new deck design and site plan was submitted to Marion Township and the land use permit was denied. Section 8.04 of the zoning code requires the deck to be no less than 50' from the lot line. The new deck as designed was set at 34' from the lot line. Further investigation using section 6.10 does not quite apply. There are four houses within 200' either direction from this property that have decks. In looking at the original plat map and doing some quick measurements, The deck distances to their lot lines are 20', 25', 50', and 60'. The average of these setbacks is 38'.

Based on the history of the property offered above, the fact that the request for building this deck within the setback area is not due to anything my wife and I have done, the fact that there are other properties on the lake that have decks within the 50' setback, and the fact that the property is a lot of record prior to zoning, the proposed deck should be approved.

I have attached various documents to review.

- 1 – 1992 LCHD approved addition proposal that indicates a 800 +/- absorption bed exists.
- 2 – 2012 review of the existing septic system by the LCHD showing the orientation of the system.
- 3 – Meeting minutes from the last variance meeting with the health department that indicates the existing septic field was tested and in working order.
- 4 – Copy of the 1st approved site plan that shows the use of the existing field.
- 5 – Copy of the 2nd approved site plan that shows the engineered field.
- 6 – Copy of the site plan that shows the redesigned deck that was denied.
- 7 – A plat map of the Gehringer sub dated 1922.
- 8 – A picture of the discovered septic tank during demolition. Inside the caution tape.
- 9 – A picture of the dry wells discovered during demolition that were supposed to be the existing septic tank.

CH 12 151

Livingston County Health Department—Environmental Health Division
204 S Highlander Way, Howell, Michigan 48843
(517) 546-9850

HOMEOWNER INFORMATION SHEET FOR WATER SUPPLY AND/OR SEWAGE DISPOSAL FACILITIES

The following sketch represents the location of the on-site sewage disposal system and/or water well supply for the dwelling located at 1451 TRIANGLE LK RD MARION 27

Septic Tank Size 2 X 1000 Dimensions of System UNKNOWN
 Absorption Bed/Trench 4'-800 No of Lines UNKNOWN

The sketch shows a property bounded by TRIANGLE LK RD at the bottom. A lake is at the top with a width of 91'. A '2" ABOVE GRADE WELL' is located on the left side, 35' from the property line. A '2" BELOW GRADE WELL' is located on the right side, 50' from the property line. The main house is 60' wide and 48' high. A 'PROPOSED GARAGE' is 15' wide and 7' high, located 14' from the house. A 'PROPOSED ADDITION' is shown as a dashed rectangle. The property is approved by the Livingston County Health Department, signed by Matt Smith on 7/28/92.

Well Driller _____ Sewage Disposal Contractor LOU NEUMAN
 Water Supply Approved _____ Sewage Disposal Facilities Approved _____
 Date _____ Date _____

Please read the attached information regarding maintenance and care of the on-site sewage disposal facilities. The on-site sewage disposal system was inspected and approved in accordance with the Livingston County Sanitary Code. The water supply system was approved after reviewing the well log submitted by the well driller and receiving acceptable water quality analysis. If you did not receive a copy of your well log from the driller, please contact the Environmental Health Division of the Livingston County Health Department.

Since many interrelating factors contribute to the failure of a sewage disposal system and/or changes in water quality, approval cannot be considered as a guarantee by the Environmental Health Division that successful operation or quality of drinking water is assured. On-site sewage disposal systems under the best of installation conditions and practices are in no way the equivalent of municipal sewer collection and treatment facilities.

2

2

12/14/2012 SOIL EVALUATION

Livingston County Department of Public Health
 Environmental Health Division
 2300 E. Grand River * Suite 102 * Howell, MI 48843
 Fax (517) 546-9853 * Phone (517) 546-9858
<http://co.livingston.mi.us/health>

Case No. **SEV2012-00225**
 Current Desc. # **10-27-401-019**

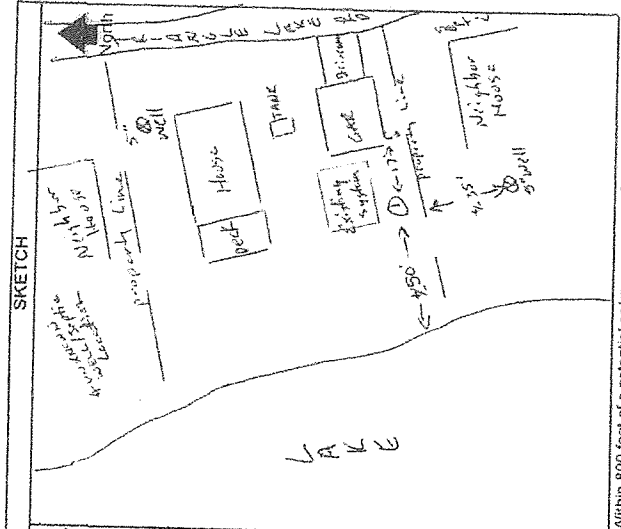
SOILS EVALUATION FOR SUB-SURFACE SEWAGE DISPOSAL SYSTEMS

Location and Directions: 1451 TRIANGLE LAKE RD HOWELL 48843-8958
 S. ON D19, TURN RIGHT ON COON LAKE, LEFT ON TRIANGLE LAKE

Applicant
 JULIE FIELEK
 PO BOX 89
 SOUTH LYON MI 48178
 PH1 248-207-8222

Owner
 MCKAY SUSAN
 1451 TRIANGLE LAKE RD
 HOWELL MI 48843-8958
 PH1 313-304-7120

Boring #	Soil Type	Desc	8eg Depth	End Depth	SW ² Depth	WT
12/11/12	1 Loam, Sandy Clay Lt TS		0.00	0.33		
	1 Loam, Sandy Clay Lt FILL		0.33	0.63		0.33
	1 Fine Sand/Loamy Si FILL		0.63	1.33		
	1 Organic Soil, Fill Soil ORG		1.33	2.08		
	1 Sandy Loam	GRA	2.08	3.00		2.67
	1 Clay Loam, Silty Lear	GRA	3.00	4.00		



Alternative Review: No

Within 800 feet of a potential or known source of contamination

Conditions
 Soil evaluation was conducted for the purpose of verifying site suitability for a possible addition to existing home.
 The site is unsuitable for conventional onsite sewage disposal per section 301.15 & 301.16 of the Livingston County Sanitary Code

Code

Comments:

Unsuitable

Alternative Review: No

Mat2 **Date**
 N 12/14/12
 N 12/14/12

ASA **Aaron S. Aumock**
 Environmental Health Representative

December 14, 2012
 Date

Soils evaluation based on criteria stated in Livingston County Sanitary Code, effective January 4, 1993.

THIS IS NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.

Livingston County Sanitary Code Board of Appeals

Meeting Minutes
October 21, 2016
(Approved 11/10/16)

Attendees:

- Don Tinson, Board Chair
- Pat McMacken, Board Vice-chair
- Fred Buckner, Board Member
- Marshal Bowman, Board Member
- Carol Griffith, Board Member
- Aaron Aumock, LCDPH
- Matt Bolang, LCDPH
- Gary and Susan McKay, Appellants/Owners

Re: Notice of Public Hearing for a proposed addition at 1451 Triangle Lake Road, Marion Township, Section 27; Parcel ID# 4710-27-401-019; REV2013-00284.

The meeting was called to order by Chairman Don Tinson at 8:30am. Introductions of attendees ensued. Mr. Tinson opened the meeting by explaining the appeal process including the sections of the code being appealed and the five criteria that the Board must consider in making a decision.

The property owners, Gary and Susan McKay, presented their evidence relative to the appeal hearing. Gary provided a detailed description of the current condition of the home noting safety and accessibility concerns, along with frequent flooding of the basement due to improper foundation construction. He summarized that in order to address the numerous safety concerns, the home would need to be reconfigured changing the front entrance and extending the size of a few internal rooms, including moving the laundry upstairs. Overall the proposed renovation would add approximately 200 ft² to the home, add a second stall to the garage, and connect the garage to the house. No additional bedrooms are being proposed, and no additional plumbing fixtures are being proposed.

The owners are proposing to relocate/replace their current septic tank which is located in the area between the garage and house, and connect to the existing septic field, which is located behind the garage. According to the owners, the use of the house will remain essentially unchanged, therefore they are requesting to use the existing septic system.

*

Aaron Aumock, Field Program Coordinator with the Health Department provided a brief history of the 2013 appeal hearing which was denied. He stated that the current septic system is located about 35 feet to the lake and installed in the water table. At the time of evaluation it was noted to be dry and functioning, but most likely this is only occurring during the dry times of the year with it becoming seasonally wet (as indicated with mottling

in the soil) with limited or no treatment for periods of the year. Aaron did receive a phone message from a neighbor that was in favor of the proposed addition.

Due to some inconsistencies on the deed for the property, Carol Griffith asked the owners if they were aware and if they are in fact the legal owners of the property. The owners said they were not aware that someone else's name was also on the deed and would look into it, but claimed they were the owners.

Pat McMacken asked both Matt Bolang, EH Director, and Aaron Aumock about some details regarding the 2013 appeal related to pre-treatment. Matt stated that pre-treatment was a potential option, however the current appeal is not proposing pre-treatment. Aaron elaborated on some of the reasoning behind the reluctance of pre-treatment in the 2013 appeal and why the proposal may have been denied.

Fred Buckner asked about the well construction. Well does meet code and does penetrate a protective layer of clay, however, the well is only about 30 feet to the septic tank. The previous owners were granted a deviation to construct the well.

Marshal Bowman commented that the proposed addition does not appear to add additional burden to the existing drainfield. He questioned what percentage of demolition would occur, and if this would deem the property vacant. The owner stated they would most likely be demolishing and rebuilding the roadside half of the house and would plan to live in the house during construction.

Aaron provided a word of caution about attempting to connect a new septic tank to an old field with unknown construction. It may be difficult/impossible to accomplish. May need to install a new field if tank cannot be connected.

New tank would be a 1500 gallon and Fred asked if vacuum tested. Aaron stated that it would be, and installed with permit specs related to high water table sites.

Marshal had questions about the soil conditions. Aaron went over the soil evaluation conducted in 2013 and then more recently before the appeal. Main concern is the seasonal high water table noted just below the topsoil at 4 inches below grade (current code requires four feet of separation).

Don Tinson wondered if this was indeed a hardship case since in his opinion the safety concerns could be addressed without the proposed additional square footage. He also questioned whether or not the placement of a new tank would allow for gravity flow from the house. Aaron indicated yes, that the elevation differential would allow for gravity flow, however it could be challenging in the future if the field is ever replaced. Don also wondered why the submitted construction plans were not dated, had no job number, and details regarding the placement of a new septic tank were not submitted. The owners indicated they didn't want to incur the additional expense without knowing if their proposal would be approved. They also stated the tank would be placed in approximately the same location as their 2013 proposed plans indicated.

Pat asked Marshal his professional opinion about the placement of a septic tank under these high water table conditions. Marshal stated that although difficult, it has been done in the past and has seen worse sites than this one.

Don again stated he was uncomfortable rendering a decision without some of the missing information. He would like to see signed/dated construction plans, including the location of the septic tank and; a signed affidavit from the owners that they will bring the house up to current construction code with regard to plumbing, electrical, structural, and mechanical (based on the findings from Jim Rowell, Building Official). He was in favor of tabling this decision until these items are submitted.

Motion by Pat McMacken to table the appeal hearing decision until the following information is presented to the Board of Appeals:

- **Signed/Dated Construction Plans that also indicate the location of the proposed septic tank, including associated elevations.**
- **Affidavit signed by the owners indicating their intent to bring the house up to current building code (electrical, plumbing, structural, and mechanical).**

Support from Carol Griffith.

Motion passed unanimously, variance request is TABLED.

The meeting minutes from the August 15, 2016 (Silver Drive, Hamburg Township) appeal hearing were presented. Pat McMacken made a motion to accept as written, Fred Buckner seconded. Motion was passed unanimously.

Matt Bolang and Aaron Aumock presented to the Board a summary of proposed changes to the documents; Minimum Requirements for Alternative On-Site Sewage Treatment Systems and Minimum Requirements for Pressure Mound Systems on Marginal Sites. Both documents have been peer reviewed from area engineers and MDEQ. Their comments have been incorporated into both documents. Main changes include a vertical reduction to isolation to season water table, design and loading rate calculations, and some changes to definitions. These proposed changes are based upon current scientific evidence of treatment performance and to provide consistency with MDEQ design documents.

Motion by Marshal Bowman to adopt the changes as presented.
Support from Carol Griffith.

Motion passed unanimously, documents have been adopted as of the date of this hearing (October 21, 2016).

Matt handed out reference materials for two upcoming appeal hearings and provided a very brief description of each.

Motion to adjourn, Carol Griffith.

Support Fred Buckner.

Motion passed unanimously, meeting adjourned 10:30am.

Livingston County Sanitary Code Board of Appeals

Draft Meeting Minutes
February 27, 2017

Attendees:

Don Tinson, Board Chair
Pat McMacken, Board Vice-chair
Carol Griffith, Board Member
Marshal Bowman, Board Member
Rob Roberts, Board Member
Aaron Aumock, LCDPH
Matt Bolang, LCDPH
Gary and Susan McKay, Appellants/Owners
John Harris, Attorney
Sean Nalepka, Boss Engineering

Re: Resumption of October 21, 2016 tabled hearing for a proposed addition at 1451 Triangle Lake Road, Marion Township, Section 27; Parcel ID# 4710-27-401-019; REV2013-00284.

The meeting was called to order by Chairman Don Tinson at 9:05am. Introductions of attendees ensued.

Motion by Carol Griffith to move hearing from the table.
Second by Marshal Bowman
All in favor, motion passed

Gary McKay provided an overview of the history of this appeal to date and offered a summary of additional information to be submitted as requested. These items included stamped/dated building plans, detailed engineered plans showing the proposed location of the septic tank and associated elevations, and a signed affidavit indicating the owner's intention to bring the house up to current building code compliance. These documents were shared with the Board members.

Don Tinson asked about any additional information related to proof of ownership. At the last hearing there was some discrepancy on the title. Gary McKay provided an updated deed demonstrating ownership.

Aaron Aumock, Field Program Coordinator, provided brief comments related to the adequacy of the engineered site plan. Proposed septic tank location is suitable given the building and septic field elevations. Some discussion about condition of existing field, and if not able to connect the tank a new field will need to be installed. Sean Nalepka, Boss Engineering, provided additional detail regarding the invert elevation as questioned by Marshal Bowman.

Motion by Pat McMacken; the additional information submitted demonstrates conformance with the requirements to grant a variance per Section 201.03 of the Livingston County Sanitary Code, therefore the variance request is granted.

Second Carol Griffith.

All in favor, motion passed.

A copy of the minutes from the Remand Hearing for 9276 Silverside Drive held on November 30, 2016 were distributed and examined by Board members.

Motion by Marshal Bowman to approve the minutes.

Second by Pat McMacken

All in favor, motion passed.

Brief staff report given regarding potential upcoming appeals and status of Eljen alternative systems.

Motion by Carol Griffith to adjourn.

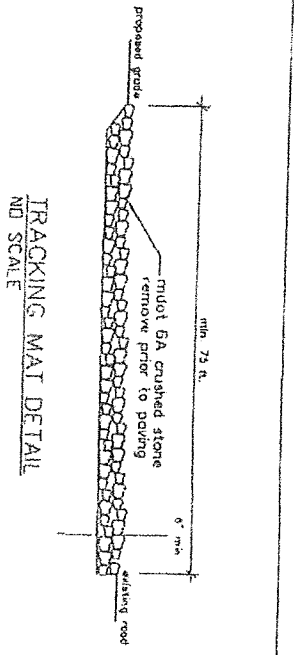
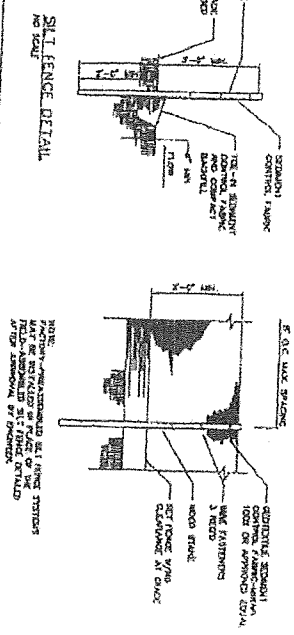
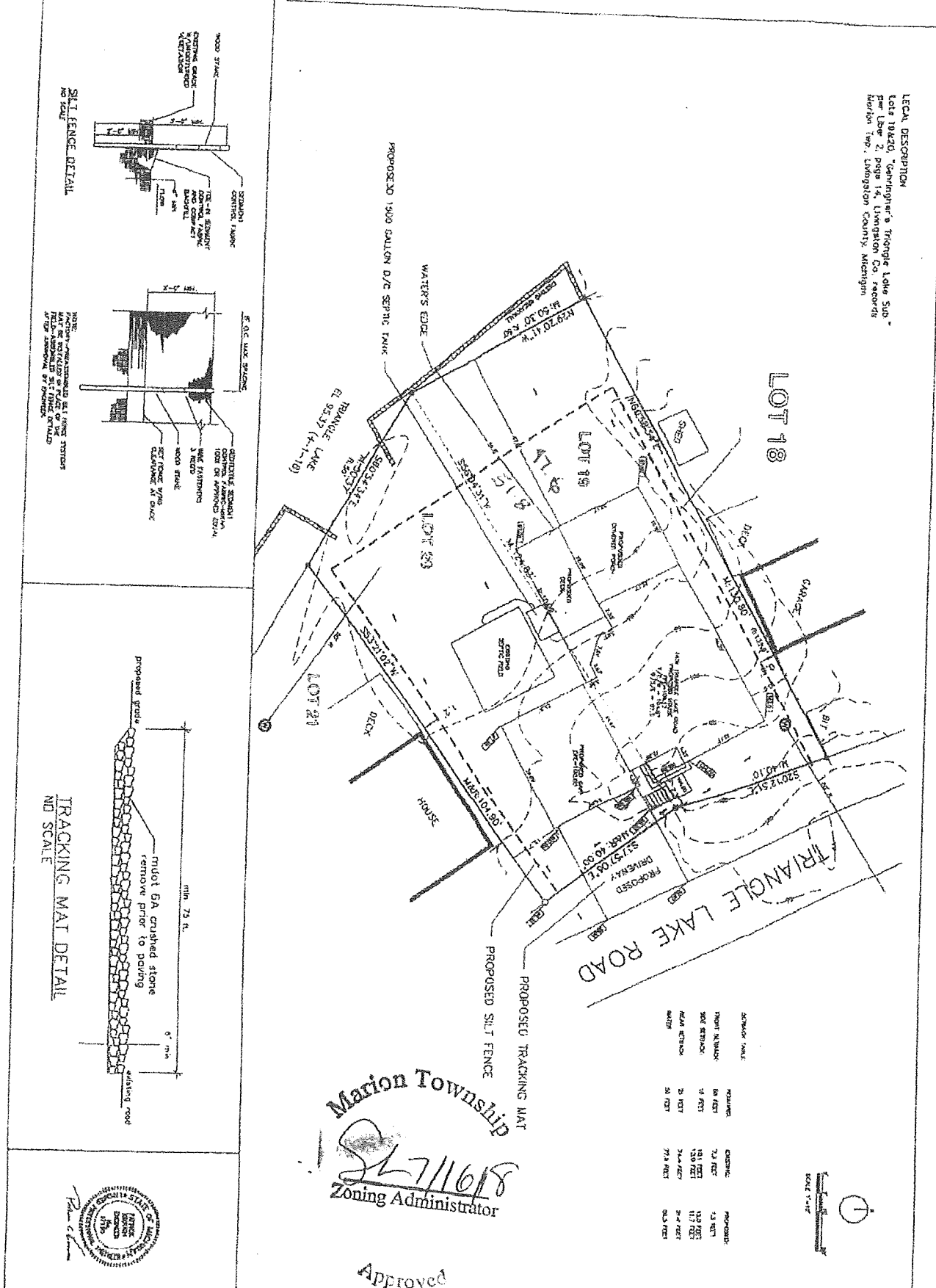
Second by Pat McMacken

All in favor, motion passed.

Meeting adjourned 9:30am.

DRAFT

LEGAL DESCRIPTION
 Lot 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

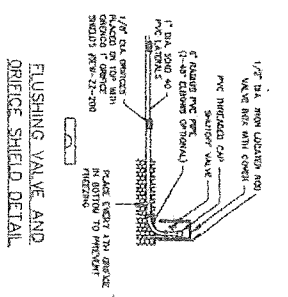
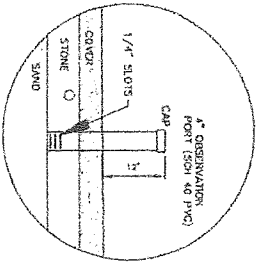
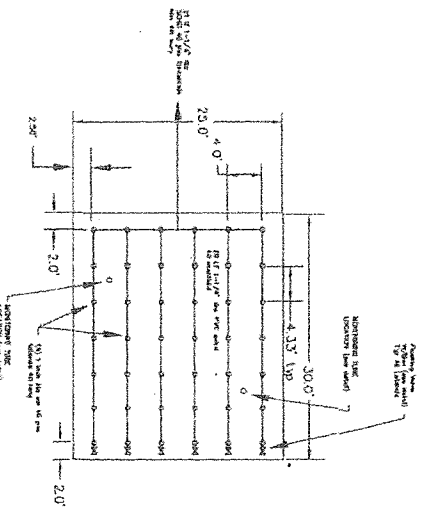
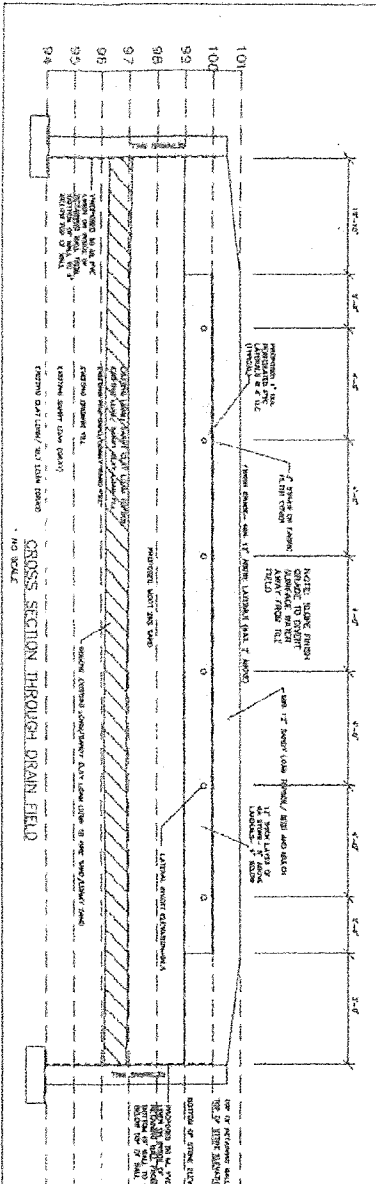
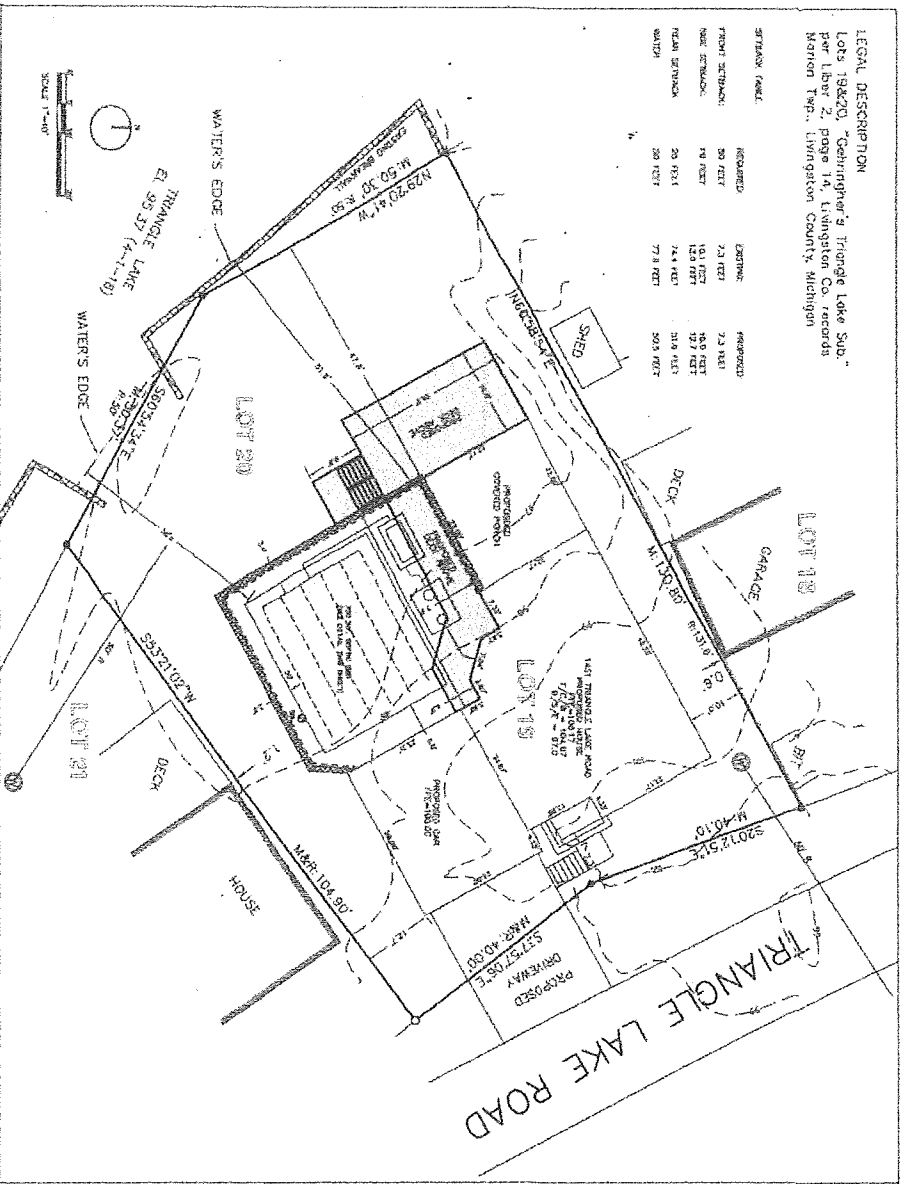


Marion Township
 SL711618
 Zoning Administrator

Approved

LEGAL DESCRIPTION
 Lots 19&20, "Cohringers Triangle Lake Sub."
 per Liber 2, page 14, Livingston Co. records
 Monroe Twp., Livingston County, Michigan

STRAWK PANEL	REQUIRED	EXISTING	PROPOSED
FRONT STRAWK	30 FEET	23 FEET	7.2 FEET
REAR STRAWK	14 FEET	10.1 FEET	3.9 FEET
REAR STRAWK	20 FEET	12.9 FEET	7.1 FEET
WALDS	20 FEET	7.8 FEET	12.2 FEET



NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.

DEEDS OF THE TRIANGLE TAKE SUBDIVISION

MARION TOWNSHIP

Of A Part of the S.E. 1/4 Sec. 27, T. 24 N. R. 4 E.

LIVINGSTON COUNTY MICHIGAN

Examined and Approved
John E. Gordon Jr.
Deputy Auditor General

Description of Land Platted
Beginning at a point on the E 1/4 1/4 line and 203 1/2' west of the E 1/4 post of sec. 27 T. 24 N. R. 4 E. Thence S 87° 30' W 705' to lake shore, thence S 71° 50' E 310'; S 42° 30' E 310'; S 1/2 E 310'; S 1/2 E 60'; S 28° 30' S 302.200'; S 60° E 150'; N 42° 30' E 115.000' S 23°; N 26° 50' E 150.000' N 76° 10' W 190.3'; N 7° 37' W 32.8'; N 67° 12' W 194'; N 40° 22' W 455.500' 151.0'; N 62° 20' W 221'; N 57° 20' W 100' to place of beginning. All on the S.E. 1/4 of Sec. 27, T. 24 N. R. 4 E.

County Treasurer's Certificate

Office of the Livingston County Treasurer: Howell, Mich.

I hereby certify that there are no liens or titles held by the State on the lands described above, and that there are no other liens or titles held by individuals on said lands for the five years preceding the last day of July, 1922, and that the taxes for said period of five years are paid as shown by the records of this office.

Thomas A. Williams
County Treasurer

Surveyors Certificate
I hereby certify that the plat herein delineated is correct and that permanent monuments consisting of 3/4 gas pipe or heavy gauge steel pipe have been placed at points marked thus O, as shown on the plat, and that the boundaries of the land platted, and all angles and intersections of curves.

Donald E. Hewitt
Registered Land Engineer

This plat was approved by the Marion Township Board on the 17 day of *August* 1922
Donald E. Hewitt
Twp. Clerk

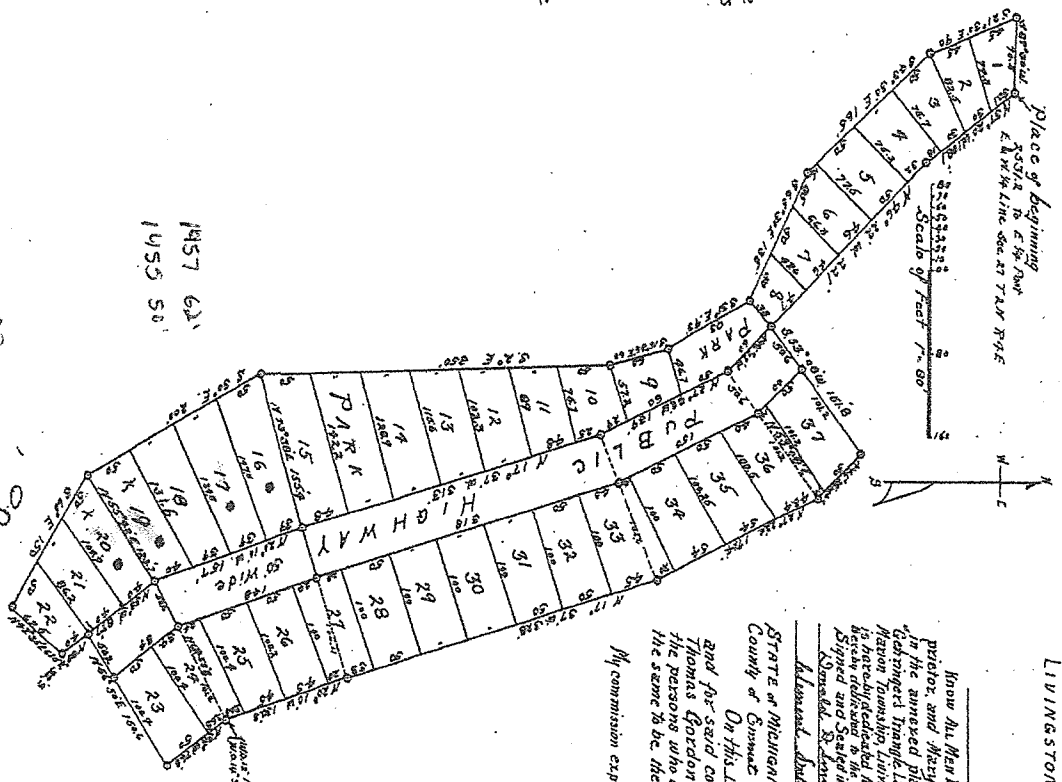
This plat was approved on the 10 day of *June* 1922

William C. Shepard Judge of Probate
Frank W. Livingston County Clerk
Henry K. Brown County Treasurer

COPY

Register's Office
Donald E. Hewitt
REGISTERED IN MARION COUNTY GENERAL'S DEPT.
FILED IN MARION COUNTY GENERAL'S DEPT.
on Feb. 14 1922
Henry K. Brown
DEPUTY AUDITOR GENERAL

I HEREBY CERTIFY THAT THIS COPY IS A TRUE COPY OF THE ORIGINAL RECORDS FOR RECORDS
Henry K. Brown
DEPUTY AUDITOR GENERAL



1957 621
1955 50
1947 20
1941 20

Dedication
know all Men by these presents, that we, Thomas Gordon Jr. as grantor, and Mary E. Gordon, his wife, have ceded the land contained in the annexed plat to be surveyed, laid out and platted in the known as Livingstons Triangle Lake subdivision, of a part of the S.E. 1/4 Sec. 27, T. 24 N. R. 4 E. Livingston Township, Livingston County, Michigan, and that the public highway is hereby dedicated to the use of the public, and that the public highway is hereby dedicated to the use of the public, and that the public highway is hereby dedicated to the use of the public, and that the public highway is hereby dedicated to the use of the public.

Thomas Gordon Jr.
Mary E. Gordon

Witness my hand and seal of the State of Michigan, this 15 day of June 1922.

On this 15th day of June, 1922, before me, a Notary Public in and for said county, personally appeared the above named, Thomas Gordon Jr. and Mary E. Gordon, his wife, known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.

Donald E. Hewitt
Notary Public for Livingston County, Michigan

TANK

8



TOILET VENT STACK

8

9

91

TANK

DRAIN FROM TANK

DRY WELLS

