



**VILLAGE OF SUTTONS BAY
ZONING BOARD OF APPEALS**
Wednesday January 15, 2020 at 5:30 PM
Suttons Bay Village Hall
420 N. Front Street
Suttons Bay, MI 49682

AGENDA

1. Call to Order
2. Roll Call and Notation of Quorum
3. Approval of Agenda
4. Approval of Past Meeting Minutes (June 19, 2019)
5. Public Comment/Written Communications (concerning items not on the Agenda)
6. Review for Member Conflict of Interest
7. New Business
 - a. Public Hearing – Variance request
 - b. Election of Officers
 - i. Chair
 - ii. Vice Chair
 - iii. Secretary (and Recording Secretary)
 - c. 2020 Meeting Dates and Times
8. Adjournment

ZBA members: If you are unable to attend this meeting, please notify the Village Clerk as soon as possible.

VILLAGE OF SUTTONS BAY
ZONING BOARD OF APPEALS
MEETING MINUTES OF JUNE 19, 2019
420 N. Front Street
Suttons Bay, MI 49682
231-271-3051

The meeting was called to order by Jelinek at 5:32 p.m.

Present: Bahle, Jelinek and Smith

Absent: Popke and Perkins

Staff Present: Fay

Approval of Minutes

Smith moved, Bahle seconded, CARRIED, to approve the Zoning Board of Appeal minutes dated May 15, 2019, submitted by Fay and found in this meeting packet.

Ayes: 3, No: 0.

Approval of Agenda

Smith moved, Bahle seconded, CARRIED, to approve the agenda as presented.

Ayes: 3, No: 0.

Adjournment

Smith moved, Bahle seconded, CARRIED, to adjourn the meeting. The meeting adjourned 5:39 p.m. Ayes: 3, No: 0.

Meeting minutes submitted by Shar Fay, Village Clerk.



CERTIFICATION OF MAILING & LEGAL NOTICE PUBLICATION
ZBA

Parcel ID and Name: 45-043-768-136-00/Bahle Enterprises Inc.

Posted on Village Bulletin Board: December 13, 2019

Date of Mailing: December 20, 2019

Date legal notice was sent to Leelanau Enterprise/Record Eagle: December 13, 2019

Date of legal notice publication: December 26, 2019

Signature: 
Leslie Couturier, Zoning Administrator

Signature: 
Shar Fay, Village Clerk



Zoning@suttonsbayvillage.org

231-271-3051

NOTICE TO THE RESIDENTS OF THE VILLAGE OF SUTTONS BAY

Notice is hereby given that the Village of Suttons Bay Zoning Board of Appeals will be holding a public hearing regarding a variance request for a fence erected without a land use permit and placed too close to the property line. The public hearing is scheduled for Wednesday, January 15, 2020, at 5:30 p.m. at 420 N. Front Street, Suttons Bay, MI 49682.

Appeal Request 3-19; Bahle Enterprises Inc., owners, on a parcel of land commonly known as 210 N. St. Joseph Street, Suttons Bay; property identification number 45-043-768-136-00, Central Business (CB), Zoning District. The request is for a variance to allow a fence, constructed without a land use permit, and placed too close to the south side property line to remain. Specifically a variance from Section 2-21B.3.b which requires that fences shall not be erected within one (1) foot of any lot line. The applicant is requesting that the fence remain on the property line resulting in a zero (0') foot setback.

Information regarding this request and the Village Zoning Ordinance are available for public viewing at the Village Office located at 420 N. Front Street, Suttons Bay, Michigan, 49682, during regular business hours. Written comments will be received until the evening of the meeting.

Donna Popke, Chairman
Village of Suttons Bay
Zoning Board of Appeals

Leslie Couturier, MiCZA
Zoning Administrator
231-271-3051

Affidavit of Publication

Village of Suttons Bay

John T. Elchert being first duly sworn, says that he is the publisher of The Leelanau Enterprise-Tribune, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published:


December 26th, 2019

Signed:



John T. Elchert, Publisher

Subscribed and sworn to before me this 26th day of
December, 2019


Kaula Collier,
Notary Public, Leelanau County, Michigan
Acting in Leelanau County

My Commission Expires May 06, 2024

Scanned & Saved

Suttons Bay Village Notice

NOTICE TO THE RESIDENTS OF THE VILLAGE OF SUTTONS BAY
Notice is hereby given that the Village of Suttons Bay Zoning Board of Appeals will be holding a public hearing regarding a variance request for a fence erected without a land use permit and placed too close to the property line. The public hearing is scheduled for Wednesday, January 15, 2020, at 5:30 p.m. at 420 N. Front Street, Suttons Bay, MI 49682.

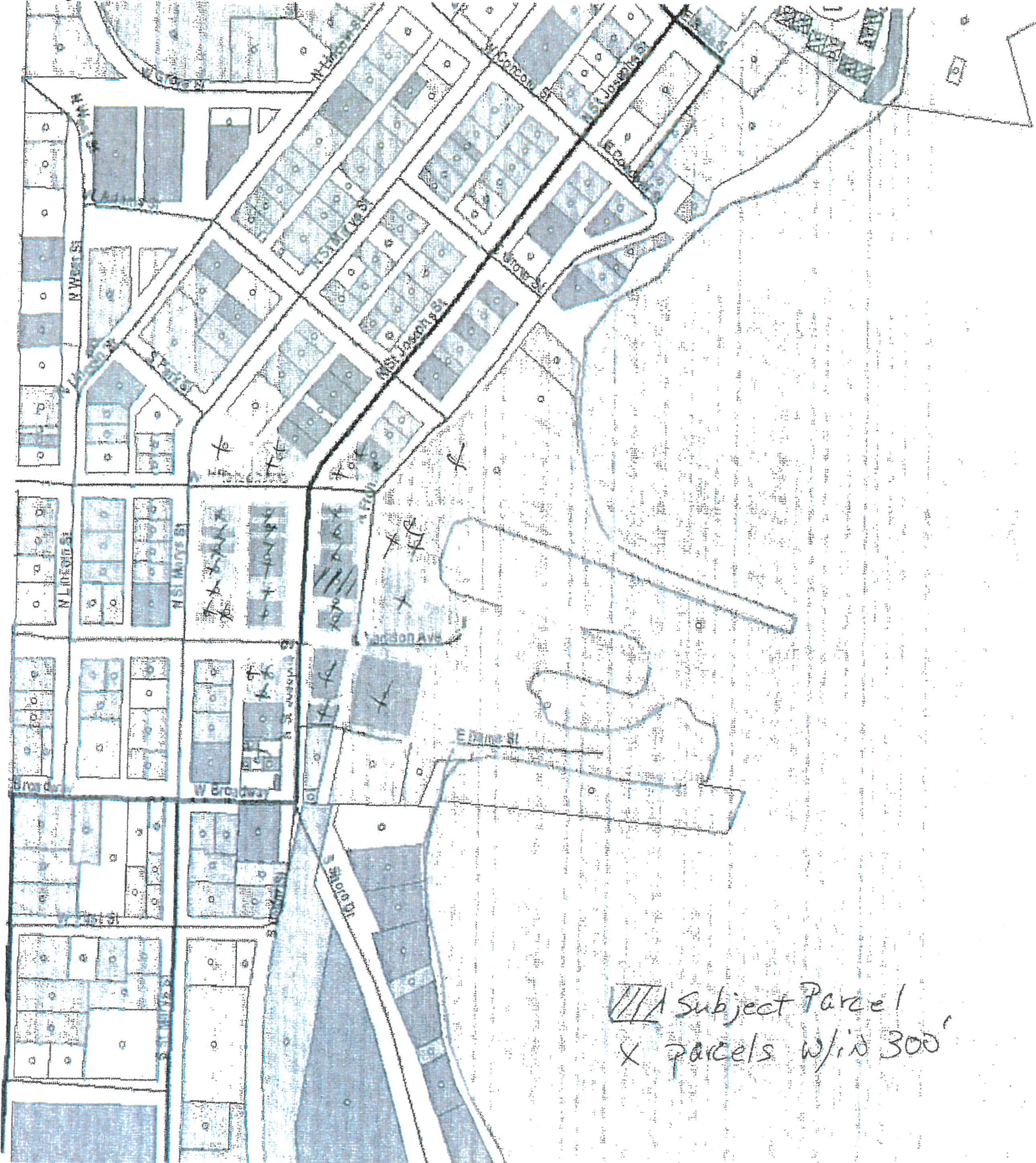
Appeal Request 3-19: Bahle Enterprises Inc., owners, on a parcel of land commonly known as 210 N. St. Joseph Street, Suttons Bay, property identification number 45-043-768-136-00, Central Business (CB), Zoning District. The request is for a variance to allow a fence, constructed without a land use permit, and placed too close to the south side property line to remain. Specifically a variance from Section 2-21B.3.b, which requires that fences shall not be erected within one (1) foot of any lot line. The applicant is requesting that the fence remain on the property line resulting in a zero (0) foot setback.

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Donna Popke, Chairman
Village of Suttons Bay
Zoning Board of Appeals
Leslie Couturier, M/CZA
Zoning Administrator
231-271-3051

Current Taxable Value

Showing Parcel Lines and Labels

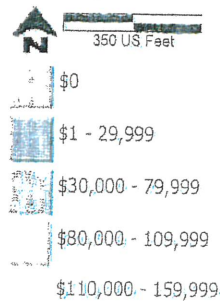


RADIAL SEARCH RESULTS:
 (Right click here to save a comma-delimited version of this results file)

TARGET OBJECTS(s) - orange on screen:
 043-768-136-00

RADIAL SEARCH DISTANCE: 300 FT
 OBJECTS FOUND WITHIN 300FT OF TARGET(S) - yellow on screen: (Note - Targets that are part of the database are included in the found objects list below),

043-690-001-00



690-001-00
WINE COUNTRY MARKET PLACE LLC
12283 S WEST-BAY SHORE DR
TRAVERSE CITY MI 49684

690-002-00/690-002-00
SUTTONS BAY MARKETPLACE LLC
13300 S WEST BAY SHORE DR
TRAVERSE CITY MI 49684

766-109-00
VILLAGE INN PROPERTIES INC
PO BOX 459
SUTTONS BAY MI 49682

766-113-00
MURDICK DOUG J & MICHELLE R
PO BOX 687
SUTTONS BAY MI 49682

766-112-00
CCC ENTERPRISES LLC
PO BOX 488
SUTTONS BAY MI 49682

766-114-01/766-092-00
EDWARDS PROPERTIES LLC
PO BOX 489
SUTTONS BAY MI 49682

766-118-00
INGERALD LLC
WILLIAMSBURG MI 49690

766-120-00
COOKMAN RICHARD G TRUST
2939 S CENTER HWY
SUTTONS BAY MI 49682

766-095-00
CARDONA ROBERT J & KRISTIN M
3441 RAY RD
OXFORD MI 48370

766-093-00
DOIG EARL C & CLARA B TRUST
30697 GRANDSON
LIVONIA MI 48150

766-089-00
KORSON JOHN A
9831 JADE DR
SUTTONS BAY MI 49682

766-088-00
NEWTON FIRESTONE TRUST
4129 ELLWOOD AVE
BERKLEY MI 48072

766-085-00
HYLWA RICHARD & KATHRYN
PO BOX 65
SUTTONS BAY MI 49682

766-085-50
HABITAT FOR HUMANITY GT REGION
1129 WOODMERE AVE STE F
TRAVERSE CITY MI 49684

766-144-00/768-143-00/768-136-00/816-157-00
BAHLE PROPERTIES INC
PO BOX 39
SUTTONS BAY MI 49682

766-089-00
BAY THEATRE INC
PO BOX 160
SUTTONS BAY MI 49682

768-135-00
TWO PEAS LLC
488 MUNSON AVE
TRAVERSE CITY MI 49686

766-133-00
HARRISON PROPERTIES NORTH LLC
PO BOX 849
SUTTONS BAY MI 49682

769-148-00
VIRGIN FISH LLC
PO BOX 432
SUTTONS BAY MI 49682

769-145-00
MICHIGAMA WESTERN TELEPHONE
PO BOX 658
PINCONNING MI 48650

778-262-00
9 BEANS ROW LLC
5441 N OVERLOOK RD
NORTHPORT MI 49670

778-261-00
301 ST JOSEPH SUUTONS BAY LLC
PO BOX 361
SUTTONS BAY MI 49682

180-001-00
GERCHAK DAVID & LINA
1565 BALSAM WAY
MILFORD MI 48381

180-002-00
JUNTUNEN MICHAEL & BARBARA
PO BOX 444
SUTTONS BAY MI 49682

180-003-00
SOMMERS AT SUTTONS BAY LLC
6333 ALMOND LN
CLARKSTON MI 48346

180-004-00
DRUMM MEL & ELIZABETH
21093 CHASE DR
NOVI MI 48375

180-005-00
LEBOUTILLIER FORD
9036 SELBOURNE LN
PALMETTO GA 90268

180-006-00
GO CHALK GARY L TRUST
PO BOX 336
SUTTONS BAY MI 49682

180-007-00
LUNDQUIST KARL F TRUST
PO BOX 952
SUTTONS BAY MI 49682

180-008-00
EVANS ANNETTE E TRUST
2340 S MISSION VIEW
SUTTONS BAY MI 49682

180-009-00
ANDERSON MARY LOUISE TRUST
1828 TALL OAKS DR E
LUDINGTON MI 49431

180-012-00
STARLING PROPERTIES LLC
411 WALNUT ST 10790
GREEN COVE SPRINGS FL 32043

765-105-00
SUTTONS BAY MARKET PLACE LLC
3945 S WEST BAY SHORE DR
TRAVERSE CITY MI 49684

180-010-00
VANDYKE DANIEL & BARBARA
3791 SHAFFER AVE SE
GRAND RAPIDS MI 49512

180-013-00
LAMMLY DIANE
PO BOX 362
SUTTONS BAY MI 49682

767-005-00
FIFTH THIRD BANK
38 FOUNTAIN SQUARE PLAZA
CINCINNATI OH 45202

180-011-00
PENNING DAN A
PO BOX 490
SUTTONS BAY MI 49682

767-002-20
101 DAME LLC
1701 S AIRPORT RD W
TRAVERSE CITY MI 49686

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TRAVERSE CITY MI 49686



MEMORANDUM

Date: November 15, 2019

To: Village of Suttons Bay Zoning Board of Appeals

File Number: Appeal Request 3-19

From: Leslie Couturier, Zoning Administrator

Re: Conditional Approval

In light of the information received from Brian Flickinger at Environment Great Lakes & Energy (EGLE), staff feels that the board, if approving the appeal, does have the option of placing a condition on the fence placement; that once the remediation is complete the fence will be removed or moved back one foot. Also if the variance is approved, with or without this condition, the applicant must apply for a land use permit. If not approved the applicant must remove the fence or apply for a land use permit to move it to the proper setback.

Attachments: Emails from EGEL

MEMORANDUM

To: Village of Suttons Bay Zoning Board of Appeals

File Number: Appeal Request 3-19

From: Leslie Couturier, Zoning Administrator

Application Received: 08/23/2019

Owners: Bahle Enterprises Inc.

Applicant: Richard Bahle

Address of Applicant: PO Box 39
Suttons Bay, MI 49682

Address of Property: 210 N. St. Joseph Street
Suttons Bay, MI 49682
Property Identification Number: 45-043-768-136-00

Zoning District: Central Business District (CB)

Applicant Request: To hear an appeal from applicant Richard Bahle; a request for a reduction in the side yard setback from 1 foot to 0 feet, to allow an unpermitted fence to remain sited as is; a variance from the required one (1) side yard setback to a zero side yard setback at 210 N. St. Joseph Street.

General Facts:

1. Some time before or in June of 2019 a fence was erected, without a land use permit, on the south side lot line of the subject property.
2. The fence sited as is does not comply with requirements of Section 2-21.3.b specifically:
b. No fence or wall shall be erected within in one foot (1') of ANY property line, abutting a street right-of-way line, and shall not obstruct a clear vision area. (Section 2-19).
3. Letter were sent to the owners on June 7, 2019, July 12, 2019 and August 2, 2019 (attached) detailing the issues with the fence. Applicant came to office to obtain a land use permit, and was told by staff that a land use permit would not be granted due to the placement of the fence, and further that they would either have to remove the fence or could apply for a variance.
4. August 23, 2019, an application for variance request was received from the applicant requesting a one foot (1') variance from the required one foot setback, which would result in a zero lot line setback from the south property line of the subject parcel.

The October 16, 2019, 5:30 p.m. Zoning Board of Appeals meeting was scheduled and was duly published in the Leelanau Enterprise on (certification of mailing & legal notice publication attached).

6. On September 20, 2019 notices were sent out to all properties within 300 feet of the subject property. (certification of mailing & legal notice publication attached).

**VILLAGE OF SUTTONS BAY
ZONING BOARD OF APPEALS**

“The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to unnecessary hardships or practical difficulties.”

BOARD DECISION AND ORDER

The Board having considered the Application, a public hearing having been held on October 16, 2019 after giving due notice as required by law, the Board having heard the statements of the Applicant/Applicant’s attorney and agents, the Board having considered letters submitted by members of the public and several comments by members of the public, the Board having considered the following Findings of Fact and Exhibits as part of the record, and the Board having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The Board finds the property is currently zoned Central Business, CB

The Board finds that Section of the Zoning Ordinance requires that a Land Use Permit be obtained prior to the erection of a fence. Also that Section 2-21.3.b; No fence or wall shall be erected within one (1) foot of any lot line, abutting a street right-of-way line and shall not obstruct a clear vision area (Section 2-19). And c.; If one side of fence has a finished side, that side shall face adjacent properties, waters, or streets.
3. The Board finds that the Applicant desires to maintain the fence as positioned on the property line with a zero setback.
4. The Board finds that the proposed use is a permitted use by right in the CB district.

FINDINGS OF FACT UNDER SECTION 17-6.A - VARIANCES

1. *Dimensional Variances.* The Zoning Board of Appeals shall have the power to authorize specific dimensional variances from the requirements of this ordinance if it finds based upon competent, material, and substantial evidence following a public hearing that all of the applicable standards provided in this section have been met.

1. Standards for Dimensional Variances. To obtain a variance from the dimensional requirements of this ordinance (area, setback, frontage, height, bulk, density or other dimensional requirements) the applicant must demonstrate that a practical difficulty exists by showing all of the following:
 - a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and not due to applicant's personal or economic hardship.
 - b. That the need for the requested variance is not the result of actions of the property owner.

- c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- d. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.
- e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

The Zoning Board of Appeals finds that the proposed variance meets/does not meet all of the above, based on the following facts:

MOTION Based on the findings of fact, M/M:

Supported by:	
To:	
Vote: Ayes: ____	Nays: ____
Absent: ____	Abstained: ____
DATE	
Motion:	(approved/failed)

Zoning Board of Appeals Chairperson

TIME PERIOD FOR JUDICIAL REVIEW

MCLA 125.293a.(1) provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Zoning Board of Appeals.



VILLAGE OF SUTTONS BAY

420 N. Front Street, P.O. Box 395
Suttons Bay, Michigan 49682
Fax: (231) 271-5904
(231) 271-3051
suttonsbay@suttonsbayvillage.org

LETTER OF VIOLATION

August 2, 2019

Bahle Enterprises Inc.
PO BOX 39
Suttons Bay MI 49682

RE: Erection of a Fence without a Land Use Permit
Property #: 043-768-136-00/210 N. St. Josephs Street

Dear Mr. Bahle:

A letter was sent to you on June 7, 2019, and again on July 12, 2019 informing you of a violation on the property referenced above, as I have not heard from you a letter of violation is being sent. Please fill out the enclosed permit application and submit to the Village Office. Also, the ordinance requires that the fence be located 12" off of the property line, thus it must be moved.

This must take place no later than Monday August 12, 2019, and please know that if you fail to move the fence and obtain a permit a Municipal Civil Infraction ticket will be issued.

Thank you for your understanding and cooperation in this matter.

Sincerely,

Leslie Couturier, MiCZA
Village of Suttons Bay, Zoning Department

Enc. (1)

Cc: Rob Larrea, Village Manager
File



VILLAGE OF SUTTONS BAY

420 N, Front Street, P.O. Box 395

Suttons Bay, Michigan 49682

Fax: (231) 271-5904

(231) 271-3051

suttonsbay@suttonsbayvillage.org

2ND LETTER OF INFORMATION

July 12, 2019

Bahle Enterprises Inc.
PO BOX 39
Suttons Bay MI 49682

RE: Erection of a Fence without a Land Use Permit
Property #: 043-768-136-00/210 N. Josephs Street

Dear Mr. Bahle:

A letter was sent to you on June 7, 2019 informing you of a violation on the property referenced above, as I have not heard from you a second letter is being sent.

Please contact the office of Planning & Zoning within seven (7) days to discuss this issue, please know that if we are not contacted a letter of violation will be sent and then a Municipal Civil Infraction ticket will be issued.

Often individuals are unaware of the regulations in the Village pertaining to fences and that is why I am informing you of this rather than issuing a violation notice. We would rather help you understand the ordinances at first and gain your cooperation while providing ample time to resolve the issue.

Thank you for your understanding and cooperation in this matter.

Sincerely,

Leslie Couturier, MICZA
Village of Suttons Bay, Zoning Department

Cc: Rob Larrea, Village Manager
File



VILLAGE OF SUTTONS BAY

420 N. Front Street, P.O. Box 395
Suttons Bay, Michigan 49682
Fax: (231) 271-5904
(231) 271-3051
suttonsbay@suttonsbayvillage.org

LETTER OF INFORMATION

June 7, 2019

Bahle Enterprises Inc.
PO BOX 39
Suttons Bay MI 49682

RE: Erection of a Fence without a Land Use Permit
Property #: 043-768-136-00/210 N. St. Josephs Street

Dear Mr. Bahle:

This letter is to inform you that the Zoning Department has found a violation of the Suttons Bay Village Ordinance on your parcel referenced above. Specifically; a fence was erected without a Land Use Permit and has been placed too close to the property line. I have enclosed the section of the Ordinance for your review.

I have also enclosed an application for a Land Use Permit, please complete and return to the Village Office as soon as possible. The fee for the permit is \$30. If you choose not to obtain a permit please remove the fence.

Often individuals are unaware of the regulations in the Village pertaining to fences and that is why I am informing you of this rather than issuing a violation notice. We would rather help you understand the ordinances at first and gain your cooperation while providing ample time to resolve the issue.

Thank you for your understanding and cooperation in this matter.

Sincerely,

Leslie Couturier, MICZA
Village of Suttons Bay, Zoning Department

Cc: Rob Larrea, Village Manager
File

VILLAGE OF SUTTONS BAY ~ OFFICE OF PLANNING & ZONING

420 N. Front Street, P O Box 395
Suttons Bay, MI 49682

Phone (231) 271-3051

Fax (231) 271-5904

ZONING BOARD OF APPEALS APPLICATION

FEES: VARIANCE: \$250 Paid: X Check # 14360
NON-CONFORMING USE: \$400 Paid: Check #

Date Rec. 8/23/2019 Hearing Date 10/16/2019
Above is for office use only

IMPORTANT PLEASE READ THE FOLLOWING:

1. Appeal applications must be submitted in the name of the owner of the property. The owner may be represented by another person, such as, but not limited to; a builder, potential buyer, attorney, or architect.
2. Applications must be signed by the owner. If represented by an authorized agent, he/she must sign also.
3. To process your application, a survey drawn by a professional surveyor (SEE REQUIREMENTS FOR MAKING APPLICATION), must be submitted to the Office of Planning and Zoning *thirty (30) days prior* to the scheduled Appeals Board meeting at which you wish to appear. The Appeals Board meets on the third Wednesday of each month.
4. The owner is bound by the commitments, concessions and agreements made by their representative/authorized agent.

Owner(s) Name: Bahle Enterprises Inc Phone Number: (231) 271-3800

Address: 210 N St Joseph, POB 39, SB MI 49682

Email: rich@bahles.net

Authorized Agent's Name: Tom Bahle

Address: 210 N St Joseph Phone Number: (231) 333-5800

Email: rich@bahles.net

Property Identification Number (PIN): 45-043-768-136-00

Property Location (address if available): 210 N. St Joseph Ave

Type of Request _____

- Variance Special Land Use Denial Temporary Use Conditional Use
- Site Plan Review Denial Non-conforming Use Special Exception
- Interpretation Other - specify _____

Section of Ordinance Applicable (office use only) _____

If this request is for an appeal from determination by the Zoning Administrator, date of denial:

9/2/19

Have any previous applications regarding this property been submitted to the Board of Appeals?

Yes No If yes, what was the description of the prior request? _____

Is the subject property Unplatted Platted - If Platted, give name of Plat. Village of Sutherland

Describe the request being made with reasons that include the peculiar or unusual conditions which are present. Depict the hardship(s) which will result if the variance is not approved. (Please attach separate sheets if necessary):

Request "5" setback
Continual Trespass by adjacent land-
owner. Intimated both by letter and face-
to-face to cease and desist. He placed
plumbing on our land. He left debris and
open dangerous excavations during process.

Signature of Owner Jakub Pukle Date 9/16/19

Signature of Authorized Agent Jakub Pukle Date 9/16/19

~for office use only~ 1' variance from side lot line

A copy of the site plan and other pertinent information was sent to the following agencies for review and comment: CB Zoning District

Leelanau County Road Commission Leelanau County Soil/Erosion Department

Leelanau County Fire Department Township Engineer

Others _____

ACTION TAKEN: Approved Approved w/ conditions Denied

Note: APPROVALS BY THE BOARD OF APPEALS ARE VOID UNLESS THE CONSTRUCTION AUTHORIZED BY SUCH A VARIANCE HAS RECEIVED A LAND USE PERMIT WITHIN ONE YEAR.

CERTIFICATE OF SURVEY

LOCATION OF PROPERTY LINE PER WARRANTY DEED RECORDED IN LIBER 71, PAGE 646, FOR THE DIVISION: LOT 136, BLOCK 8, VILLAGE OF SUTTONSBURGH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 1 OF MISCELLANEOUS RECORDS BETWEEN PAGES 436 AND 437, SECTION 28, TOWN 30 NORTH, RANGE 11 WEST, VILLAGE OF SUTTONSBAY, LEECLANAU COUNTY, MICHIGAN.

FO. 'K' CHISELLED IN CONCRETE SIDEWALK 1.29' W. OF BLD. COR. 0.18' N. OF BLD. COR.

FO. 'K' CHISELLED IN CONCRETE SIDEWALK

JEFFERSON AVENUE (66 FT. WIDE)

N 89° 35' 50" E - M. 110.00'-R#M.

ST. JOSEPH'S AVENUE (STATE HIGHWAY M-22) (80 FT. WIDE)

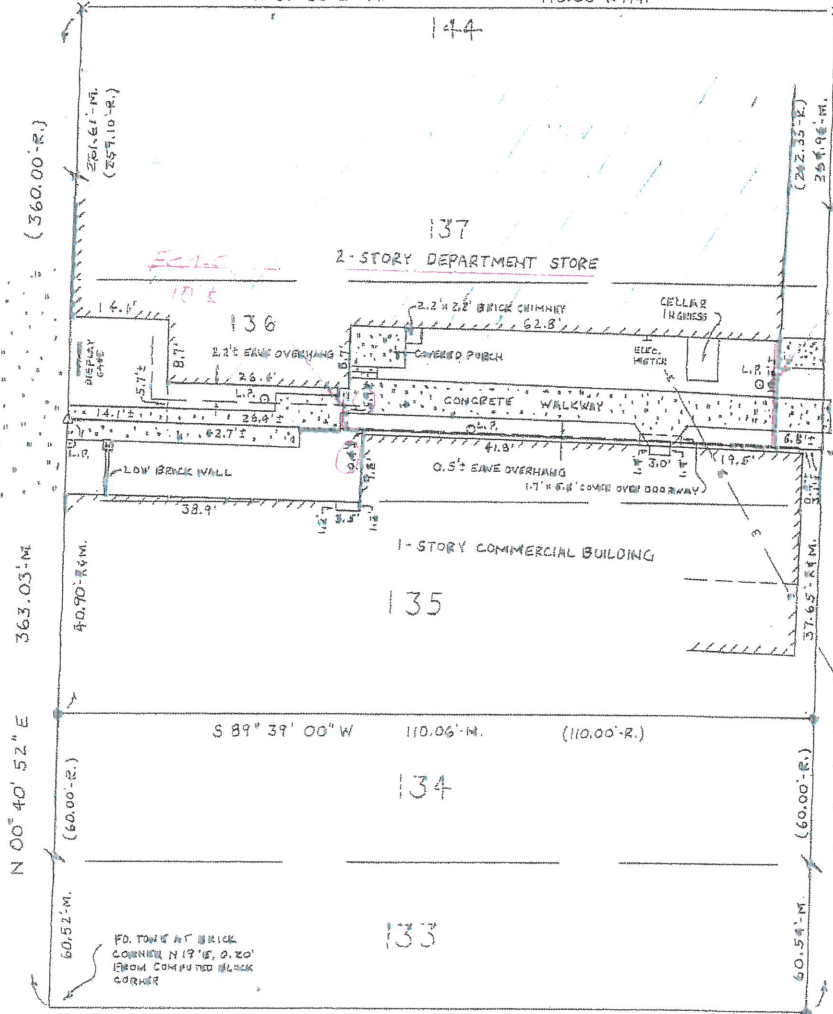
(360.00'-R.)

256.61'-M. (257.10'-R.)

(242.35'-R.) 257.96'-M.

(360.00'-R.)

FRONT STREET (66 FT. WIDE)



LEGEND

- = FO. IRON STAKE
- X = 'K' IN CONCRETE
- = SET 1/2" RE200 CAP
- △ = SET MAG NAIL
- M. = MEASURED
- R. = RECORD
- L.P. = LAMP POST

MADISON AVENUE (40 FT. WIDE)

S 89° 39' 38" W 110.07'-M. (110.00'-R.)

N 00° 40' 52" E (60.00'-R.)

S 89° 39' 00" W 110.06'-M. (110.00'-R.)

(60.00'-R.)

363.15'-M.

5.00° 40' 10" W (60.00'-R.)

60.51'-M.

40.90'-R#M.

60.52'-M.

363.05'-M.

40.90'-R#M.

60.52'-M.

363.05'-M.

I, NICHOLAS M. O'NIN, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE HEREON DESCRIBED PARCEL(S) OF LAND; THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS IS NOTED AND WITHIN THE ACCEPTED LIMITS; AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF ACT, 132, P.A. 1970.

BEARING BASIS: N.M.O'NIN BOUNDARY AND SITE

SURVEY FILE NO. 96217-28583011, JAN. 13, 1997.



NICHOLAS M. O'NIN
R.L.S. #28420
105 BROADWAY
SUTTONSBAY, MI 49682
(231) 271-3255

SURVEYED FOR:

BAHLE PROPERTIES, INC.
210 ST. JOSEPH'S AVE.
SUTTONSBAY, MI 49682

DATE: DECEMBER 28, 2007

FILE NO.: 2007103-28583011

SHEET 1 OF 1

From: Flickinger, Brian (EGLE) <FLICKINGERB@michigan.gov>
Sent: Tuesday, October 15, 2019 9:12 AM
To: 'manager@suttonsbayvillage.org' <manager@suttonsbayvillage.org>; Erik Bahle <erik@bahles.net>
Subject: Bahle Fence

Village of Suttons Bay,

My name is Brian Flickinger and I am an incident manager specialist with the Department of Environment, Great Lakes, and Energy (EGLE) and the project manager of the old Wales Quality Cleaners (Wales) which sits adjacent to Bahle's of Suttons Bay.

Site assessment work has confirmed the presence of tetrachloroethylene, trichloroethylene, and petroleum compounds in soil and groundwater beneath the Wales property above drinking water protection criteria, surface water protection criteria, and soil volatilization to indoor air criteria. Additional work conducted by EGLE and Leelanau County Brownfield Authority has confirmed soil gas concentrations have migrated to the two commercial properties to the North and South of Wales.

EGLE has dedicated state remediation funds to address the issues at Wales and, as of last week, has begun conducting pilot testing to optimize remediation system design. Mr. Eric Bahle, owner of Bahle's of Suttons Bay store, has graciously provided access onto his property just north of Wales. Without his willingness to provide access, it would likely be impossible to adequately address the issues at the subject property.

Upon speaking to Mr. Bahle last week, it is my understanding that the fence and its location has come into question with the zoning board. EGLE respects that this type of zoning/permitting is a local matter. However, I did want to speak to EGLE's plan at the subject site. Once pilot testing is completed, EGLE will be installing a soil vapor extraction (SVE) system on the Bahle property to address the contaminated soils at Wales and thus reducing the groundwater contamination migrating towards the bay and removing the potential indoor air concerns at Bahle's of Suttons Bay and Bayside Gallery. The SVE

system will consist of numerous pieces of equipment, piping and SVE wells. The current plan is to have a curtain of SVE wells just inches away from the Wales building. The SVE system will need to be protected from the public and access will need to be restricted and the currently installed fence successfully accomplishes this. If the zoning board decides the fence needs to be moved or removed entirely, please be aware it would be EGLE's intention to come to the zoning board and request permission to place another fence back in the existing fence's current location to facilitate our project.

I have attached EGLE's action plan for your review. You will find a detailed history of the Wales property, EGLE's budget, and proposed work schedule. If you have any questions or concerns, please feel free to contact me. Thank you for your consideration on this matter.

Brian Flickinger, PEM
Incident Management Specialist
Remediation and Redevelopment Division/Cadillac and Gaylord District Offices
Michigan Department of Environment, Great Lakes, and
Energy
Office: 231-876-4456
Cell: 517-420-5886

Pollution Emergency Alerting System (800) 292-4706
DEQ Environmental Assistance Center (800) 662-9278
DNR Poaching Hotline (800) 292-7800

Michigan Department of Environment, Great Lakes, and Energy - Remediation & Redevelopment Division

Location Action Plan - 6/28/2019**Wales Quality Cleaners****Location Type:**

201

Location ID:

45000094

Location Code:

6B59

Work Unit:

Cadillac

County:

Leelanau

Project Manager:

Brian 2 Flickinger

Current Funding Status:

Funding Hold

Closure Target Status:

Approved Project Completion (APC)

Expected Closure Date:

9/30/2022

Previously Approved Funding

Fund and Function	Authorizations	Encumbrances	Expenditures	Authorization Balance
MAIN - 0563 - MAIN - 213	\$0.00	\$0.00	\$3,661.33	-\$3,661.33
MAIN - 0664 - MAIN - EF17	\$0.00	\$0.00	\$4,204.58	-\$4,204.58
MAIN - MAIN - 213	\$3,661.33	\$0.00	\$0.00	\$3,661.33
MAIN - MAIN	\$4,204.58	\$0.00	\$0.00	\$4,204.58
1398 - 7060	\$0.00	\$0.00	\$5,082.81	-\$5,082.81
2236 - 7030	\$0.00	\$0.00	\$6,976.56	-\$6,976.56
1271 - 7030	\$0.00	\$0.00	\$1,602.94	-\$1,602.94
Totals:	\$7,865.91	\$0.00	\$21,528.22	-\$13,662.31

Actions in Progress with Available Funds

This is a new site requesting Part 201 funds.

Current Funding Request(s)

FY	Month	Activity	Amount Needed	Priority	Description
19	July	Interim Response	\$150,000.00	1	Procure contractor for soil vapor extraction system installation and operation.

Total: \$150,000.00

Current Funding Review

Field Manager/Unit Chief

Date

David O'Donnell

6/28/19

Field Operations Manager/Superfund Section Chief

Date

Kathleen Sherry

6/28/19

RRD Assistant Division Director

Date

Future Funding Needs

FY	Month	Activity	Amount Needed	Priority	Description
22	October	Monitoring	\$50,000.00	1	Post remedial quarterly soil gas monitoring, final reporting and preparation of Approved Project Completion documentation.

Total: \$50,000.00

Contaminant Class of Concern:

Chlorinated Volatile and Semi Volatile Organic Compounds, Petroleum Volatile and Semi Volatile Organic Compounds

State Financial Summary

Authorized:	Encumbered:	Expenses:	Authorized Balance:
\$7,865.91	\$0.00	\$21,528.22	-\$13,662.31

Pertinent Parties

Managing Agency:
Remediation and Redevelopment
Division (RRD)

Managing Agency Contact:

Project Manager:
Brian 2 Flickinger

House District:

Senate District:

Congressional District:

Organization/Company

No information available.

Contacts

No information available.

Narratives**History**

04/23/2019 by LAUGHLINT

The subject property was a small U.S. Post Office before being developed and used for dry cleaning beginning in 1937 and continuing until 2013. A site assessment was conducted at the end of 2013 for a fuel oil underground storage tank (UST) and a Stoddard solvent UST that were both closed in place due to the proximity to the building. The results confirmed the presence of tetrachloroethylene (PCE), trichloroethylene (TCE), and petroleum compounds in soil and groundwater above drinking water protection criteria, surface water protection criteria, and soil volatilization to indoor air criteria (SVIIC).

Additional data was gathered on subsurface conditions and potential off-site impacts during the summer of 2014 through the State-wide Expanded Environmental Triage program. The site was eligible for expenditure of Refined Petroleum Funds due to a confirmed release reported from the Stoddard Solvent UST at the time it was closed in place. The data gathered indicates subsurface soil at the site is comprised primarily of sand with an intermittent peat layer to at least 15 feet below grade. Groundwater is encountered at approximately 8 feet below grade at the site and then shallows to 2.5 feet below grade in the vacant lot on Sutton Bay across the alley. Groundwater flows to the east towards Suttons Bay. The only off-site impact documented was PCE in groundwater. Impact in excess of the drinking water criterion extends 100 feet to the east beneath a right-of-way and onto a neighboring vacant lot.

No viable liable party has been identified at the facility. The property remained vacant from 2013 until 2016 when it was redeveloped as a four tenant commercial space utilizing the existing building. A baseline environmental assessment was submitted by the new owner in April 2016 utilizing the data collected in 2013 and 2014. The on-site PCE and TCE levels confirmed the 2013 Site assessment soil samples exceeding SVIIC which prompted the department to request documentation of due care compliance from the new owner via a letter dated August 31, 2016.

Unrelated to the department's request, the Leelanau County Brownfield Authority (LCBA) utilized US Environmental Protection Agency (US EPA) grant funds in February 2016 to investigate sub slab vapor conditions under the building at the site for the new owner. Samples were collected in Units A, B, C, and D. The department received the results from this investigation in January 2017. Sub slab soil gas concentrations of PCE and TCE exceeded non-residential interim action screening levels by several orders of magnitude in Unit D, which is where the former dry cleaning machine was located. In August 2018, a sub slab depressurization (SSD) system was installed in Unit D and a few quarters of indoor air sampling and pressure differential data has been collected to confirm the efficacy of the SSD system. The extent of any off-site soil gas impacts has not been fully evaluated. This includes the two commercial properties that abut the site to the north and south.

Status

04/23/2019 by LAUGHLINT

Michigan Department of Environment, Great Lakes, and Energy - Remediation & Redevelopment Division

Master Data Form - 6/28/2019

Location Information

Location Type: 201 **Location ID:** 45000094 **Location Name:** Wales Quality Cleaners

Location Code: 6B59 **EPA ID:**

State Funding Status: Funding Hold **State Funding Status Date:** 4/10/2019

Closure Target Status: Approved Project Completion (APC) **Expected Closure Date:** 9/30/2022

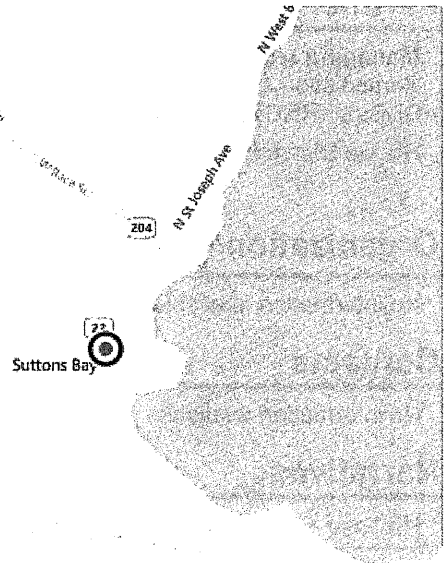
SEMS ID: **DSMOA ID:**

Full Address:
206 St. Joseph St., Suttons Bay, MI, 49682

County: Leelanau **Township:** Suttons Bay Village

Work Unit: Cadillac **Property Tax ID:**

Latitude: 44.97605700 **Longitude:** -85.65076400



bing

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Directions:
Google Earth

Related Information

Risk Condition:
Risks Present and Immediate

Reason for Creation:
Sampling Data

Categorical Criteria:

Business Type:
Dry Cleaner

Response Activities

Location Name: Wales Quality Cleaners

Activity: Interim Response

Program Lead:
State

Activity Lead:
State

Status:
Future Need

Estimated Start Date:
7/1/2019

Estimated End Date:
9/30/2021

Actual Start Date:

Actual End Date:

Primary Estimated Cost:
\$150,000.00

Primary Source:
State

Secondary Estimated Cost: **Secondary Source:**

Description:

Procure contractor for soil vapor extraction system installation and operation.

Activity: Monitoring

Program Lead:
State

Activity Lead:
State

Status:
Future Need

Estimated Start Date:
10/1/2021

Estimated End Date:
9/30/2022

Actual Start Date:

Actual End Date:

Primary Estimated Cost:
\$50,000.00

Primary Source:
State

Secondary Estimated Cost: **Secondary Source:**

Description:

Post remedial quarterly soil gas monitoring. final reporting and preparation of Approved Project Completion documentation.

Related Addresses

No information available.

In June 2018, DEQ staff installed a soil gas point and collected a soil gas sample in an alley between the subject site and the northern property. Results confirmed PCE levels above non-residential interim action screening levels. Also in June 2018, the LCBA utilized US EPA grant funds to evaluate the property to the south (Bayside Gallery). This assessment collected both soil gas and sub slab soil gas samples from the property. Results confirmed soil gas concentrations for PCE and TCE above the non-residential interim action screening levels and sub slab soil gas concentrations above residential interim action screening level for PCE. Subsequent rounds of sub slab soil gas sampling conducted at Bayside Gallery have been below residential interim action screening levels.

In August 2018, a sub slab depressurization (SSD) system was installed on-site in Unit D of the building and a few quarters of indoor air sampling and pressure differential data have been collected to confirm the efficacy of the SSD system. The extent of any off-site soil gas impacts has not been fully evaluated. This includes the two commercial properties that abut the site to the north and south.

Additional investigation is needed both on-site and off-site to better understand vapor intrusion risks. Ultimately, treatment of on-site soil contamination is needed to abate the ongoing hazard this poses to both on-site and off-site receptors.

Location

04/23/2019 by LAUGHLINT

The site is located within the village of Suttons Bay. The existing building is currently occupied by three commercial tenants. This site sits within the central business district and has neighboring businesses immediately adjacent to the north and south. The shores of Suttons Bay, an inlet of Lake Michigan, is located 250 feet downgradient of the subject property.

Miscellaneous

04/23/2019 by KITLERS

No information available.

Actions in Progress with Available Funds

04/23/2019 by LAUGHLINT

This is a new site requesting Part 201 funds.

Michigan Department of Environment, Great Lakes, and Energy - Remediation & Redevelopment Division

Location Schedule - 6/28/2019

Location Information

Location Id:
45000094

Location Name:
Wales Quality Cleaners

Location Type:
201

Location Code:
6B59

Action Plan for Fiscal Year 20, Date Range: 07/19 - 09/22

Objectives/Activities	Task Status	Previous Date Range	Current Date Range	Funds Needed (not authorized)	Details
Interim Response	Initial	-	07/19 - 09/21	\$150,000.00	Procure contractor for soil vapor extraction system installation and operation.
Monitoring	Initial	-	09/21 - 09/22	\$50,000.00	Post remedial quarterly soil gas monitoring, final reporting, and preparation of Approved Project Completion documents.

Action Plan Total: \$200,000.00

From: Leslie Couturier <lcouturier@eastbaytwp.org>
Sent: Tuesday, October 15, 2019 12:47 PM
To: suttonsbay@suttonsbayvillage.org
Subject: FW: Fence on Bahles property

Shar: can you forward this response to the ZBA? Thanks!

From: Flickinger, Brian (EGLE) <FLICKINGERB@michigan.gov>
Sent: Tuesday, October 15, 2019 12:45 PM
To: Leslie Couturier <lcouturier@eastbaytwp.org>
Subject: Re: Fence on Bahles property

Hi Leslie,

Thank you for the question, for EGLE it comes down to liability. We will have piping that lays above ground across the "alley". It's tough to describe without being at the site, but essentially, our SVE wells will be installed within a foot of the Wales property. Those wells will have a pipe connection at the top and the piping will run to a manifold system which then runs to our motors/blowers. We will also have a power line above ground to connect to our system components. So basically we'll have equipment all over the place and really need to restrict any access to this area.

If the fence is moved then EGLE would probably need to add a fence the length of the Wales property. This can be done, but does present its own set of issues. Along the north wall of Wales we have a septic line, electrical line and on our SVE wells. Add fence posts to that and we start to run out of available real estate.

Not sure if any of that info helps or answers your question. Ultimately we will adapt regardless of the outcome, I just wanted to keep the board informed of our plans and reduce any potential redundancy with fencing.

Brian

From: Leslie Couturier <lcouturier@eastbaytwp.org>
Sent: Tuesday, October 15, 2019 11:35:15 AM
To: Flickinger, Brian (EGLE) <FLICKINGERB@michigan.gov>
Subject: Fence on Bahles property

Hi Brian: thanks for your email, I'm not sure if this can be a "good" reason for supporting the appeal request, why can't the fence be moved a foot off of the line? I really need a good explanation to give to ZBA. Thanks!

Leslie E. Couturier, MICZA

Office of Planning & Zoning
East Bay Charter Township
1965 N. Three Mile Rd
Traverse City MI 49696
PH: (231)947-8681
FAX: (231)922-2094
lcouturier@eastbaytwp.org

2020 MEETING SCHEDULE

FOR THE

VILLAGE OF SUTTONS BAY

PLANNING COMMISSION		
January	8	5:30
February	12	5:30
March	11	5:30
April	8	5:30
May	13	5:30
June	10	5:30
July	8	5:30
August	12	5:30
September	9	5:30
October	14	5:30
November	11	5:30
December	9	5:30

DDA		
January	8	9:30
February	12	9:30
March	11	9:30
April	8	9:30
May	13	9:30
June	10	9:30
July	8	9:30
August	12	9:30
September	9	9:30
October	14	9:30
November	11	9:30
December	9	9:30

VILLAGE COUNCIL		
January	*21	5:30
February	17	5:30
March	16	5:30
April	20	5:30
May	18	5:30
June	15	5:30
July	20	5:30
August	17	5:30
September	21	5:30
October	19	5:30
November	16	5:30
December	21	5:30

ZBA		
January	15	5:30
February	19	5:30
March	18	5:30
April	15	5:30
May	20	5:30
June	17	5:30
July	15	5:30
August	19	5:30
September	16	5:30
October	21	5:30
November	18	5:30
December	16	5:30

GENERAL SERVICE COMMITTEE		
January	7	8:10
February	4	8:10
March		
April	7	8:10
May	5	8:10
June		
July		
August	4	8:10
September	1	8:10
October		
November	3	8:10
December		

ADMIN / PERSONNEL		
January	8	8:10
February	5	8:10
March		
April	6	8:10
May	6	8:10
June		
July		
August	5	8:10
September	2	8:10
October		
November	4	8:10
December		

UTILITY / MARINA		
January	9	8:10
February	6	8:10
March		
April	9	8:10
May	7	8:10
June		
July		
August	6	8:10
September	3	8:10
October		
November	5	8:10
December		

COMMITTEE OF THE WHOLE		
January		
February		
March	5	8:10
April		
May		
June	4	8:10
July		
August		
September		
October	8	8:10
November		
December	3	8:10