

**Elk Rapids Township, Antrim County, Michigan
Planning Commission APPLICATION**

1

Applicant Tim Tran
(Property Owner)

Agent David Rowe P670069 and Abraham G. Tabry P80570

Address 1568 Stonehaven Drive

Address 202 E. State Street, Ste. 100

City – State – Zip Code Holt, MI 48842

City – State – Zip Code Traverse City, MI 49684

Phone / Cell 517-303-3880

Phone / Cell 231-346-5400

Fax Number _____

Fax Number _____

Email thient03@icloud.com

Email drowe@nmichlaw.com & atabry@nmichlaw.com

INSTRUCTIONS

For your reference, the Elk Rapids Township Zoning Ordinance is on-line at <http://www.elkrapids.com/Township>

The Planning Commission regularly meets on the second Tuesday evening of the month as scheduled at the Government Center, 315 Bridge St. in Elk Rapids. Applicants desiring a public hearing must submit this completed Application accompanied by any other required documentation and the Hearing Fee no later than 33 days prior to a Planning Commission meeting.

Applications should be delivered to either:

Elk Rapids Township Zoning Administrator
315 Bridge St., P.O. Box 365
Elk Rapids, MI 49629-0365

or

Elk Rapids Township Clerk
315 Bridge St., P.O. Box 365
Elk Rapids, MI 49629-0365

The fees as established in the Elk Rapids Township Fee Resolution Schedule must accompany the complete application. (Ordinance Section 17.04)

Site Plan Review

Applicants seeking a formal Site Plan Review Hearing are advised to study the complete Site Plan submission requirements found in Chapter 17 of the Elk Rapids Township Zoning Ordinance, and that applicable section where a Site Plan is required for specific use.

Time Limitation of a Site Plan Review

Any approval of a Site Plan becomes null and void twelve months from the date of approval unless the owner or agent shall have taken substantial steps toward effecting the Site Plan as approved by the Planning Commission. (Ordinance Section 17.07)

Except for plans in the Single and Two Family Zones, a copy of the proposed Site Plan must be provided to the Elk Rapids Township Emergency Services Departments as listed on the Elk Rapids Township Web Site for review.

A. Action Requested

I/We the undersigned request a hearing before the Elk Rapids Township Planning Commission for the purpose indicated below:

Special Exception - Special Use Permit

Rezoning Request

Site Plan Review for:

Commercial Zone

Planned Development Zone

Manufacturing Zone

Multiple Family (R-3) Zone

Environmental Zone

Agricultural Zone

Modifications to Previously Approved Site Plan

Approval Date of Previous Site Plan _____

Other request for "after the fact" site plan approval. _____

B. Property Information

1. Present Zoning Classification 401 Property Tax # 05-06-375-012-00

2. Present Use Residential Physical Address 14455 Birch Pointe Dr., Elk Rapids

3. If property is platted, name of Plat and Lot #: Equa-Pole Subdivision

4. If unplatted, Legal Description of property affected by this request. Attach a complete property description with this application.

5. Are there any deed or plat restrictions affecting this parcel of property? Yes No. If Yes, attach a copy of these restrictions with this application.

6. Names and addresses of all persons and/or firms other than yourself having a legal interest in the business and/or land.
None.

7. Attach ten (10) copies of the Site Plan including dimensioned location and size of existing and proposed buildings, property size, and all other pertinent information per Zoning Ordinance Chapter 17, Sections 17.01 - 17.11. See attached.

8. What public utilities are available or in use at this property? water, gas, and electric.

9. List any other Authorities which may have jurisdiction or overlapping interest in this proposed project: (i.e. Elk Rapids Village or adjacent Township, MDEQ, Antrim County Health Department or Soil Erosion Department, U.S. Corps of Engineers, etc.)

Antrim County Soil Erosion Department.

C. Describe the proposed Use or Structural changes that make Planning Commission Review necessary:

We hired a builder to pour a concrete patio at the rear of the property and after completion discovered that the patio dimensions exceeded the requirements permitted under the Zoning Ordinance. We then attempted to hire multiple contractors to fix the patio, but have been unable to have anyone even agree to do the job. Despite our best efforts to remedy this situation, we are now in a position where we are asking for an "after the fact" site review and approval of the concrete patio. We reasonably believe this proposed approval is the most economical solution and would have environmental impact due to the remedial measures that we have already taken.

D. Possible positive impacts of this proposal on the surrounding properties and the Township:

We believe that the patio adds to the astelic beauty of the property and has also increased the property value. Notably, we have worked very closely with the Anterim County Soil and Erosion Department to ensure that there are no negative environmental impacts associated with the current state of our patio.

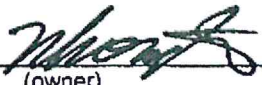
E. Possible negative impacts of this proposal on the surrounding properties:

Although the patio is technically in violation of the Zoning Ordinance, we have made sure to take remedial action by working with the Soil and Erosion Department to make sure that there are no negative environmental impacts to Birch Lake or any of the neighboring properties. As such, it is our position that our patio does not negatively impact our Birch Lake, our neighbors or the subject property.

F. AFFIDAVIT


The undersigned acknowledges that if a change is granted or other decisions affecting the property represented by the undersigned are reached by the Planning Commission, the said decision does not relieve the applicant from compliance with all other provisions of the Township Zoning Ordinance. The undersigned further affirms that he/she is or they are the:

owner(s) _____ authorized agent of the owner of the property involved in the appeal, **(owners MUST sign)** and that the answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of the knowledge and belief of the undersigned.

<u></u>	<u>10-5-21</u>	_____	_____
(owner)	(date)	(Authorized agent)	(date)
_____	_____		
(owner)	(date)		
_____	_____		
(owner)	(date)		

G. PERMISSION TO ENTER PROPERTY

I / We herewith grant permission for members of the Elk Rapids Township Planning Commission and the Zoning Administrator to enter my lot(s) / property for the purpose of investigating the scope and effect of this request.

<u></u>	<u>Property Owner</u>	<u>10-5-21</u>
(Signature)	(Title)	(Date)
_____	_____	_____
(Signature)	(Title)	(Date)

H. ATTACHMENTS:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Property Description | <input checked="" type="checkbox"/> Hearing Fee |
| <input type="checkbox"/> Assignment of Agent | <input checked="" type="checkbox"/> Site Plan |
| <input type="checkbox"/> Plat or Deed restrictions | <input checked="" type="checkbox"/> Other |

October 5, 2021

Elk Rapids Township
Zoning Administrator
315 Bridge St., P.O. Box 365
Elk Rapids, MI 49629-0365

**RE: Planning Commission Application
PARCEL #05-06-375-012-00
14455 Birch PT Dr., Kewadin, Michigan 49648**

Dear Planning Commission:

My name is Tim Tran. My family and I recently purchased the above referenced parcel with the goal of making it our Lake House and are excited to be a new part of the Kewadin community. After closing on the property, we hired a builder to pour a new concrete patio at the rear of the property and discovered that the dimensions of the patio exceeded the requirements of the Zoning Ordinance. Upon discovering this, we immediately attempted to contact our builder and asked that he fix the patio in order to comply with the Ordinance. Notably, we let him know that we would also gladly pay for his additional services. However, despite our best efforts to communicate with him, we never received a response. We then informed the township of our difficulty with being able to find a builder to remedy the situation and were kindly provided with the names of two other builders. We then spoke with the two builders provided and agreed to separate dates for them to come out to survey the property so that they may evaluate the situation. However, both builders failed to show up on the scheduled dates and never provided any call back or reason for their absences. We were therefore left with no other alternatives but to file our application for site approval.

As such, we are now seeking an "after the fact" site plan approval to declare that the concrete patio currently installed on our property will be permitted to remain and will not be deemed as violating the Zoning Ordinance. As explained in detail below, we believe that this

NTR 10-5-21

request for approval is consistent with the general spirit and intent of the Elk Rapids Zoning Ordinance. Specifically, we feel that our request is appropriate here because of a number of factors. First, there are several homes located on Birch Lake that currently contain patios on their property that are also located near the water's edge. Our patio is situated in a nearly identical manner as these other homes. Next, despite our best efforts, including our attempts to contact multiple builders in order to re-construct the patio to fit within the necessary dimensions, we have not received a single call back, or any kind of communication confirming that the requested services would commence. Additionally, we have surveyed our neighbors and no one has objected to our proposed request for site approval. Furthermore, throughout this entire process, we have been in contact with Heidi Shaffer of the Michigan Association of Conservation Districts (MACD). Notably, she approved the soil erosion permit for our home including the patio area. The subject permit also provided criteria for compliance with same. We have consistently and promptly complied with the permit and have sent Heidi many updates detailing the actions taken to ensure compliance. The communications with Heidi are included as part of our application and demonstrates her continued approval of the improvements we have made to the property. We believe this further illustrates that the patio is safe and that it does not create any detrimental ecological conditions for Birch Lake and the surrounding area.

Overall, we feel that approval of our request is needed due to the facts of this case. Denying this request will result in an undue hardship on my family, as we are unable to physically fix the patio ourselves. Furthermore, the spirit of the zoning ordinance weighs the factors of public safety and substantial justice in order to maintain a balance between the two factors. Next, there is a minimal, if not, a non-existing threat to public safety by permitting our patio to remain as is. However, denying the site approval will certainly hinder and impair our ability to enjoy our

property. Simply put, denying our request for approval will create a disproportionate and substantial injustice.

DOCUMENTS

- Photographs of our house and property
- Survey/Site Plan
- Communications with MADC
- Communications with builders

FINDINGS OF FACT

We feel that the following conditions should lead to our request being granted:

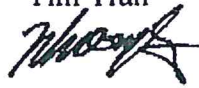
- a. As currently configured, our concrete patio has not created or resulted in any action causing a substantial detriment to any neighboring properties. Further, there have been no negative environmental impacts associated with its construction. This is further demonstrated by the MACD's issuance of the soil erosion permit and their subsequent approval of our improvements upon the property.
- b. Next, there are multiple other homes in our neighborhood that contain patios that were built similarly and near the water's edge, which are enjoyed and utilized by the respective owners of those properties. In essence, requiring a literal interpretation of the Zoning Ordinance and applying it only to our property would result in a deprivation of our property rights.
- c. Additionally, we hired a professional builder and relied on his level of expertise in order to get the patio completed properly and in accordance with the Zoning Ordinance. Had we known that his work was in violation of this Ordinance, we would have immediately instructed him to comply accordingly.
- d. As explained above, we have made all diligent efforts to hire a builder/contractor to fix the patio, but have not received any communications confirming that any said contractors would undertake the project. As such, the situation we find ourselves in creates "practical difficulties" for us, and necessitates the issuance of an "after the fact" site approval. Here, we are not qualified to safely and properly undertake this project ourselves. If we were, then we would certainly have remedied this situation already. Requiring my family to now fix the patio is impractical and creates a substantial burden on us. Therefore, our request for the proposed request for approval comports with the nature and intent of the Zoning Ordinance by ensuring that the spirit of the Ordinance is observed.

CONCLUSION

In light of the forgoing, we sincerely request that Planning Commission approve our "after the fact" site plan approval and permit the current use of the concrete patio as is. Thank you for your consideration.

Sincerely,

Tim Tran



10-5-21

SITE PLAN

SITE PLAN


LEGAL DESCRIPTION - LOT 16, EQUA-PL0E SUBDIVISION, AS RECORDED IN LIBER 2 OF PLATS, PAGE 101, ANTRIM COUNTY RECORDS.

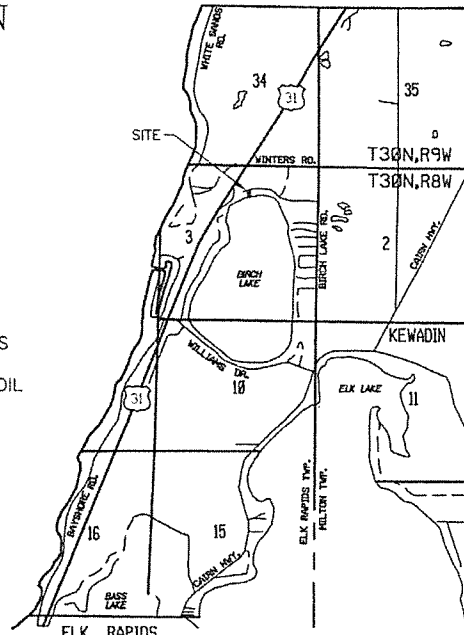
PARCEL NO. - 05-06-375-012-00

ZONING - R1 (RESIDENTIAL-ONE FAMILY ZONE)
 FRONT SETBACK - 50'
 SIDE SETBACK - 20'
 LAKE SETBACK - 25' (SEE NOTES)

NOTES - SET BACK INFORMATION WAS TAKEN FROM THE ELK RAPIDS TOWNSHIP ZONING ORDINANCE. PER THE ORDINANCE, THE LAKE SETBACK LINE (LSB) IS 25' FROM THE "EDGE OF SURFACE LOAM SOIL OR A CONTIGUOUS ROOT SYSTEM, WHICHEVER OCCURS NEAREST TO THE SHORELINE". TWO LOCATIONS WERE IDENTIFIED ON ADJACENT LANDS AND THE ELEVATION OF THESE POINTS WERE HELD IN ESTABLISHING THE LSB LOCATION TO BE USED FOR THE SETBACK.

PREPARED AND REVIEWED BY:

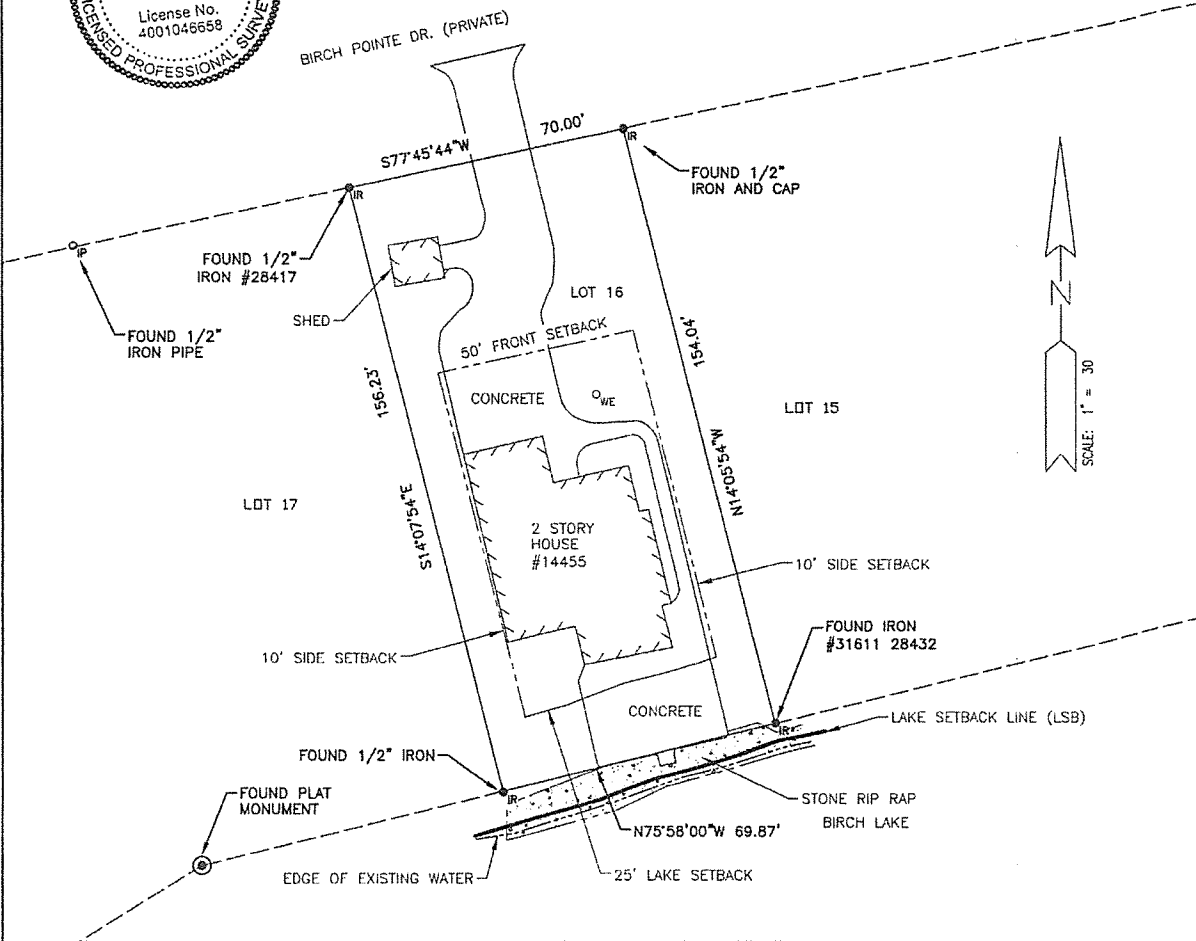

 JASON CAVERSON, PS 11-9-21
 MICHIGAN REGISTRATION NO. 46658



VICINITY MAP - NOT TO SCALE



PROJECT MANAGER: WADE TRIM, 4241 Old US 27 S., Suite 1, PO Box 618, Gaylord, MI 49734, 989.732.9584, www.wadeftrim.com



4241 Old US 27 S., Suite 1
 PO Box 618
 Gaylord, MI 49734
 989.732.9584
 www.wadeftrim.com

TIM TRAN
 14455 BIRCH POINTE DRIVE
 KEWADIN, MI 49648

SITE PLAN
 FOR SETBACK
 VARIANCE

JOB NO.
 GSU6741-01G

SHEET
 1 OF 1

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“BEFORE” PHOTOS OF PROPERTY







“AFTER” PHOTOS OF PROPERTY







E-MAILS WITH MACD REPRESENTATIVE

Abraham Tabry

From: Tran, Tim PW <tim.tran@prattwhitney.com> on behalf of Tran, Tim PW
Sent: Thursday, September 9, 2021 8:37 AM
To: atabry@nmichlaw.com
Subject: FW: [External] permit

Follow Up Flag: Follow up
Flag Status: Flagged

From: Tran, Tim PW
Sent: Thursday, September 9, 2021 6:55 AM
To: Heidi Shaffer <heidi.shaffer@macd.org>
Subject: RE: [External] permit

Thank you Heidi! Seems the permit you approved that I've already complied. Is there anything else I need to do from your side?

As for Larry Nix situation, I am currently looking into applying variance application to request to leave the patio "AS IS" due to current complexity of removing the patio.

Please let me know ahead if you or Kyle are heading to my place to check out new soil and grass improvement.

Thanks and have wonderful day.

-tim

From: Heidi Shaffer <heidi.shaffer@macd.org>
Sent: Wednesday, September 8, 2021 5:21 PM
To: Tran, Tim PW <tim.tran@prattwhitney.com>
Subject: Re: [External] permit

wow....great grass! no, I haven't been there lately....crazy busy....but.....I like.

Hope things are going well with Larry.

Best,
Heidi

On Wed, Sep 8, 2021 at 4:01 PM Tran, Tim PW <tim.tran@prattwhitney.com> wrote:

Abraham Tabry

From: Tran, Tim PW <tim.tran@prattwhitney.com> on behalf of Tran, Tim PW
Sent: Wednesday, September 8, 2021 3:49 PM
To: atabry@nmichlaw.com
Subject: FW: [External] permit

Follow Up Flag: Follow up
Flag Status: Flagged

From: Heidi Shaffer <heidi.shaffer@macd.org>
Sent: Wednesday, August 25, 2021 11:55 AM
To: Tran, Tim PW <tim.tran@prattwhitney.com>
Subject: Re: [External] permit

This looks great, Tim.

I will go by to review.

No, my staff was not on site today.

H

On Tue, Aug 24, 2021 at 7:13 AM Tran, Tim PW <tim.tran@prattwhitney.com> wrote:

Hi Heidi,

Hope your week is good so far.

I took few vacation days off to work on my vacation home past weekend. We installed water irrigation system and also put 60 yards of top soils to filled the driveway.

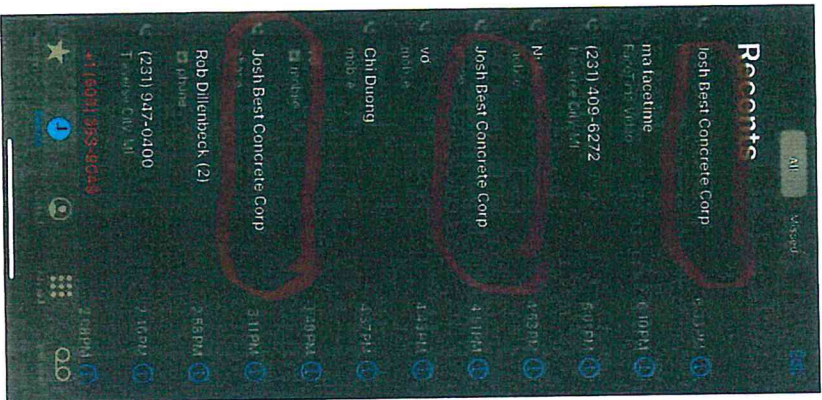
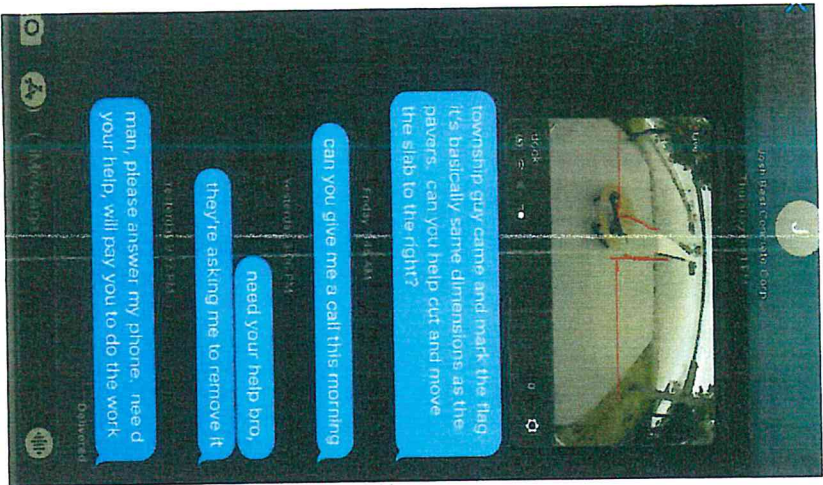
I also has company put hydroseeding as you see attached photos. Base on the contractors, I should be seeing grass growing soon.

That was so much work for 4 days straight and thank you so much for your support and guidance in last few weeks.

-tim



- Josh from Best Concrete Inc (Contractor that poured concrete): I've attempted calls and text messages but have received no responses from Best Concrete Inc. Below are just quick snapshots of attempting to get help from my contractors and unsuccessful to get a hold of them.



Abraham Tabry

From: Heidi Shaffer <heidi.shaffer@macd.org>
Sent: Tuesday, July 13, 2021 8:08 AM
To: Tran, Tim PW
Cc: Larry Nix
Subject: Re: [External] Re: 14455 Birch Pointe Drive Patio

That's really unfortunate. Your concrete guy should have known the score.

Rick Knuss (don't have phone number and not sure of the spelling on his last name.)

Mike Zatlin 616-460-0485

Hope these help.

Heidi

On Tue, Jul 13, 2021 at 7:05 AM Tran, Tim PW <tim.tran@prattwhitney.com> wrote:

Good Morning,

I am trying to work with my contractor that poured the concrete to help me cut the concrete per zoning ordinance. However, he's not responding my texts or calls and seems he's abandon me.

Do you have contractors that can help cut these concrete into sections and relocate another locations on my property?

Thanks

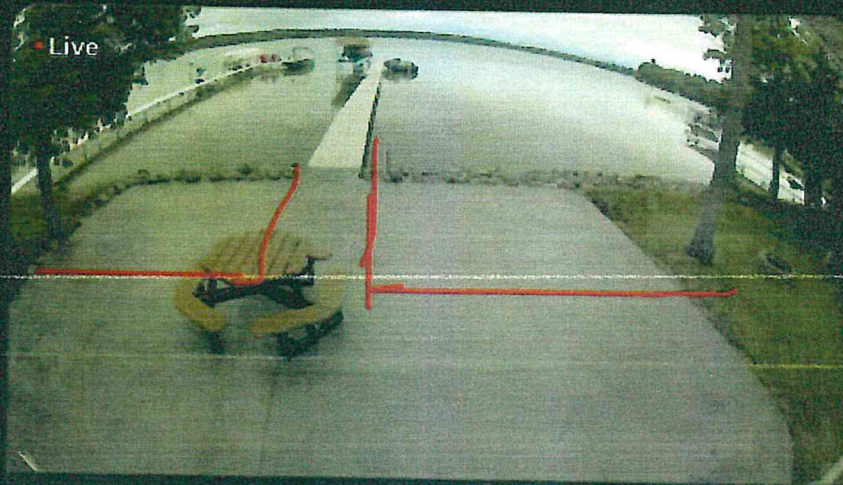
-tim

6:53



Josh Best Concrete Corp >

Thursday 6:41 PM



dock



0



township guy came and mark the flag. it's basically same dimensions as the pavers. can you help cut and move the slab to the right?

Friday 7:45 AM

can you give me a call this morning

Yesterday 3:06 PM

need your help bro,

From: Larry Nix <plannernix@gmail.com>

Sent: Monday, July 12, 2021 10:45 AM

To: Tran, Tim PW <tim.tran@prattwhitney.com>; Heidi Shaffer <heidi.shaffer@macd.org>

Subject: [External] Re: 14455 Birch Pointe Drive Patio

Tim:

Thank you for your email regarding the unauthorized patio you had constructed adjacent to Birch Lake on your property at 14455 Birch Pointe Drive.

The appropriate section of the Zoning Ordinance is attached. You have requested an exception to the 25 foot rule, but there is no provision in the rule for the type of exception you have requested. After a weekend of thought on your request, as the Zoning Administrator, I am not authorized to consider such a request, and the Planning Commission can only consider the removal of trees and shrubs. The paving you authorized in the 25 foot area is a violation of Section 2.11 and violates the intent and purpose of the Zoning Ordinance. The only remedy to this situation is to remove the concrete that was placed in the 25' protection area. The area to be removed needs to be revegetated with grass or sod or planted with vegetation consistent with the standards of the Soil Erosion Officer, Heidi Shaffer. The overall purpose of these regulation's is to protect the water quality of Birch Lake.

Attached is the contact information for Heidi Shaffer and a Soil Erosion Permit. She needs to be contacted ASAP. Also attached is Section 2.11 of the Elk Rapids Township Zoning Ordinance.

If you have any questions, please contact me.

Larry Nix

Zoning Administrator/Planner

Elk Rapids Township

Heidi Shaffer

Antrim County Soil Erosion

Antrim Conservation District

4820 Stover Road

Bellaire, MI 49615

231-533-8363 ext 3

On Fri, Jul 9, 2021 at 10:44 AM Tran, Tim PW <tim.tran@prattwhitney.com> wrote:

Hi Larry,

Thanks for taken my phone call this morning.

There are few things that I made mistake that costs me so much money for this patio job. Like I've mentioned over the phone, I should do more research instead of rely on my contractors to know their job.

Anyways, I would like to work with you and township managements team to get this patio into compliance per Elk Rapids Ordinance.

Base on current screenshot below. The circle highlighted are the stakes that your guy put it yesterday for the 25ft parallel to the water.

As you may not know, I have five young children age 2-12yrs and loved playing this newly build patio and would love to have little bigger size to play on.

Per exception request from you and the township managements team. Since it has a cut line for concrete pre-cracks, any chance I could cut per outline line in red color 2-3ft from the current saw line? Below is a line of request to be cut.

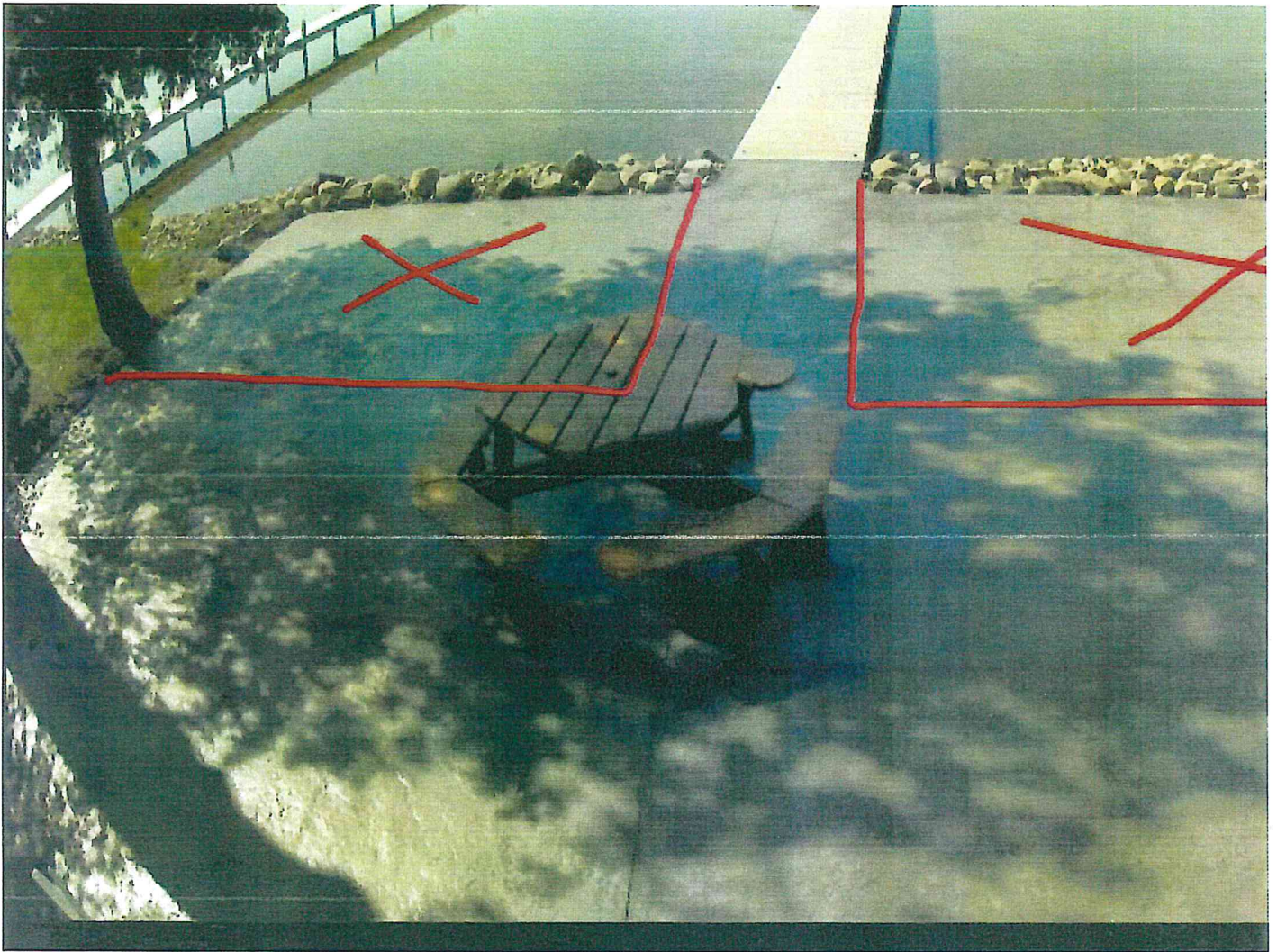
Once the line has been determined and approved by township. I will reach out to contractors work on cutting these patio slabs.

Once I received a final approval cut line, I am requesting 6months from the day of the determine line to get it removed due to current Pandemic contractors limited availability. Please note, this 6 months will be excluded from winter months.

Thank you so much for your understanding.

Best regards,

-tim



--
Heidi Shaffer
Antrim County Soil Erosion
Antrim Conservation District
4820 Stover Road
Bellaire, MI 49615
231-533-8363 ext 3

Abraham Tabry

From: Heidi Shaffer <heidi.shaffer@macd.org>
Sent: Thursday, July 29, 2021 9:24 AM
To: Tran, Tim PW; Larry Nix; Kyle Williams
Subject: [External] plants at shoreline

Hey Tim,

I have an idea for you to be able to get plants at your shoreline. Unfortunately there is no room up on the flats because of the concrete patio, but you could put live willow/dogwood stakes into the rock - push them into the ground, and they will grow. I would put them off to the sides so as not to obscure your view - but they will help hold the bank in place and provide the filter that the township wants in their buffer zone. It obviously will not be 25' wide, but it will add to the up north aesthetic and get a bit of a buffer. Kyle or I could help you find the plant stock you would need to do this.

Interested in hearing back from you and Larry about this possible solution.

Best,
Heidi

On Wed, Jul 28, 2021 at 7:18 AM Tran, Tim PW <tim.tran@prattwhitney.com> wrote:

Good Morning Heidi,

Hope you have an excellent week so far. Just wanted to let you know that the check mail out today, hopefully you received by the end of this week or beginning next week.

Also, Kyle came to my property to view the driveway yesterday and hope he has provided good feedback from the visit.

Please let me know if you have further questions or concerns.

-tim

From: Heidi Shaffer <heidi.shaffer@macd.org>
Sent: Monday, July 26, 2021 8:41 AM
To: Tran, Tim PW <tim.tran@prattwhitney.com>
Subject: [External] Re: 14455 Birch Pointe Erosion Application

Thanks, Tim. You'll have to send a check.

I will be going out to view officially now that I have your application and will note where you could plant trees/flowers/shrubs at the buffer zone and share that information with you.

Best,

Heidi

On Mon, Jul 26, 2021 at 8:02 AM Tran, Tim PW <tim.tran@prattwhitney.com> wrote:

Good Morning Heidi and hope your weekend were good. And hope the huge storms over the weekend didn't caused any damage to your property.

Attached is completed soil erosion application. Do you have any online payment for this application? If not, I will send in a check.

I know we suppose to meet next Monday 8/2/2021 at 1pm. However, I have my kid doctor appointment for well child check up on this day, so I have to cancel this meeting with you.

Please let me know if you're good with this application?

Thanks

-tim

--

Heidi Shaffer

Antrim County Soil Erosion

Antrim Conservation District

4820 Stover Road

Bellaire, MI 49615

231-533-8363 ext 3

--

Heidi Shaffer

Antrim County Soil Erosion

Antrim Conservation District

4820 Stover Road

Bellaire, MI 49615

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Abraham Tabry

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Best,
Heidi

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Thanks

-tim

--

Heidi Shaffer
Antrim County Soil Erosion
Antrim Conservation District
4820 Stover Road
Bellaire, MI 49615
231-533-8363 ext 3

Abraham Tabry

From: Heidi Shaffer <heidi.shaffer@macd.org>
Sent: Thursday, July 22, 2021 3:16 PM
To: Tran, Tim PW
Subject: Re: [External] Violation Letter

I'll give you a call in the morning.

Thanks,
Heidi

On Thu, Jul 22, 2021 at 2:56 PM Tran, Tim PW <tim.tran@prattwhitney.com> wrote:

Hi Heidi,

I left you a voice mail regards the soil application.

Is it possible if you could call me at 517-303-3880?

Thanks

-tim

From: Heidi Shaffer <heidi.shaffer@macd.org>
Sent: Thursday, July 22, 2021 8:05 AM
To: Tran, Tim PW <tim.tran@prattwhitney.com>
Cc: Larry Nix <plannernix@gmail.com>
Subject: Re: [External] Violation Letter

Tim,

You still need to complete a soil erosion application and submit the required fee. See attached.

H

On Tue, Aug 3, 2021 at 9:22 AM Tran, Tim PW <tim.tran@prattwhitney.com> wrote:

Hi Heidi,

While I am waiting on Larry Nix violation letter.

Can I get contractors to help me work on the driveway and side walk to grow grass?

Thanks

-tim

From: Heidi Shaffer <heidi.shaffer@macd.org>

Sent: Tuesday, August 3, 2021 8:13 AM

To: Larry Nix <plannernix@gmail.com>

Cc: Tran, Tim PW <tim.tran@prattwhitney.com>; thient03@yahoo.com; Bill Derman <lwarren@torchlake.com>

Subject: Re: [External] permit

Understood, Larry. (My email was full and I hadn't seen your original response to my suggestion. Once it came through, I realized the township's position.)

Best,

Heidi

On Tue, Aug 3, 2021 at 7:43 AM Larry Nix <plannernix@gmail.com> wrote:

Good morning:

The placement of the concrete patio between Birch Lake is a clear violation of the Elk Rapids Zoning as previously noted. With the decision of Mr Tran to not remove the subject violation, the Township is forced to pursue said violation. A second violation letter will be issued later this week.

In terms of landscaping in the buffer zone, I do not have the authority to grant the suggested landscaping, only the Planning Commission has that authority. To pursue the landscaping project at this time will only create another violation of the regulations of the Zoning Ordinance.

An application to pursue the approval of the landscaping and the patio can be found on the Township web site: elkrapids.com/zoning.

Sent from Larry Nix

On Aug 2, 2021, at 9:15 AM, Tran, Tim PW <tim.tran@prattwhitney.com> wrote:

Good Morning Heidi, Larry;

Hope you all had a good weekend and enjoyed time with family.

I just had a great conversation per Heidi approved permit. I am working on looking into contractors to help me put soil and plant grass per Heidi approved permit notes.

As for zoning, Larry are ok for me to proceed with live willow branches per Heidi suggestions below?

Please let me know your decision so that I could proceed with the landscaping renovation.

Again, thank you so much for your understanding with current situations.

Best regards,

-tim

From: Heidi Shaffer <heidi.shaffer@macd.org>

Sent: Sunday, August 1, 2021 4:37 PM

To: thient03@yahoo.com; Tran, Tim PW <tim.tran@prattwhitney.com>; Larry Nix <plannernix@gmail.com>

Subject: [External] permit

Hey Tim,

Here's your after-the-fact permit. Once we hear from Larry about the live willow branches.....we can address at least a little of a buffer. We can help you identify the plants and show you how to plant if necessary.

Best,

Heidi

--

Heidi Shaffer

Antrim County Soil Erosion

Antrim Conservation District

4820 Stover Road

Bellaire, MI 49615

231-533-8363 ext 3