

Property owners Handbook For Modifications to Land or Structures 2016

The Role of the Walloon Lake Association

The Walloon Lake Association is not an enforcing body. It does, however, support strict enforcement of all ordinances affecting the lake and its watershed.

The Association's purpose in publishing this handbook and in encouraging strict enforcements of all ordinances by appropriate governmental agencies is to preserve the qualities that make Walloon Lake a unique resource for all Wallooners.

It is the intent of the Walloon Lake Association to take whatever steps are necessary to assure that all property owners on Walloon Lake know what permits are required and how to apply for them. In addition, the Association's representatives will be contacting property owners who are observed to be taking actions that require permits to advise them of the permits they may need and to provide what assistance they can.

Three groups of Association volunteers are available to provide assistance:

Neighborhood Captains are volunteers who have agreed to provide service to approximately 20 lakefront residences in their own neighborhoods. Each captain is available to assist the property owners in his or her neighborhood and to advise the Association of any problems in that neighborhood. If you do not know the name of your Neighborhood Captain, it may be obtained by calling the Association office.

Township Representatives, one for each of the five townships bordering the lake, serve as the voice of lake property owners. They work closely with their respective township boards, attending most of those board's meetings. They sit in on meetings of the Government Affairs Committee. You may wish to contact your Township Representative when you have a question concerning a township ordinance. The names of the township representatives are listed at the end of this handbook.

The Government Affairs Committee helps landowners comply with ordinances and regulations and assures that violations are brought to the attention of appropriate governmental bodies with appropriate follow-up actions. The Government Affairs Committee also works with these governmental bodies in developing procedures to speed the permit applications process and in providing property owners with information about this process. The committee also works to assure that the language in ordinances and their enforcement are in the best interests of Walloon Lake.

If You Plan To Build or Modify a Building

If you plan to build a new building (no matter how small) or modify an existing structure, you will need one or more of the following:

1. A Health Department Permit

It is almost always necessary to obtain a permit or approval from the Northwest Michigan Community Health Agency before a new building is constructed or an existing building modified around Walloon Lake. The only exceptions to this might be garages or storage buildings.

2. A DEQ Permit.

You will need a permit from the Michigan Department of Environmental Quality (*DEQ) if you plan to place fill or structures in or excavate or drain wetland. If you are not sure, request an on-site determination. The consequences of disturbing wetlands without a permit can be severe.

3. Zoning clearance.

All properties around Walloon Lake are located in one of five townships and in one of two counties. All five townships have their own zoning ordinances which must be considered before you build.

The zoning ordinances cover the types of uses to which property may be put within a given zone, provide certain restrictions on what may be done within a specified distance from the water (green belt zoning), provide for lot setbacks, (which means that construction cannot occur within a given number of feet from your lot lines), and specify the square footage required for a residence, the maximum height, and the maximum number of structures permitted on your lot.

If your property does not conform to the existing ordinances, a special use permit must be obtained even for modifying an existing structure.

You should check the zoning ordinances that apply to your property with the township where your property is located.

4. A Soil Erosion and Sedimentation Control Permit (Act 451, Part 91).

You will need this if your plans involve any moving of soil within 500 feet of the lake. Permits may be obtained from the District Soil Erosion and Sedimentation Control Officer in your county. In Charlevoix County, there is a new Stormwater Ordinance in effect. The compliance is relatively the same as ACT 451, however now all earth changes for a commercial activity require a permit, regardless of size of proximity to the water.

5. A building permit.

You should obtain this from the Charlevoix County Building Department or the Emmet County Office of Planning and Zoning. Caution: a building permit often contains specific language that the issuance of the permit does not provide any right to utilize the structure. Therefore, make certain that you also have zoning clearance before commencing construction. That language could prevent you from occupying or utilizing a structure that you have built in good faith but is contrary to the zoning ordinances.

If You Plan To Put In A New Septic System or Repair An Existing System

Many lakeshore residences have antiquated, inadequate or faulty septic systems. These are the primary source of pollution into the lake.

If yours is one of these, you should contact your county's sanitarian with the Northwest Michigan Community Health Agency and/or a reliable septic system installer for advice.

Whether you plan to install a new system or repair or enlarge an existing system, you will need a permit from the Northwest Michigan Community Health Agency and the Soil Erosion and Sedimentation Control office in your county.

If You Plan To Move Earth Within 500 Feet Of The Lake Or If The Earth Change Will Disturb An Acre Or More Of Land

Act 451, Part 91, 1994, of the State of Michigan requires that a permit be obtained any time soil is to be moved within 500 feet of the lake or if an acre or more of land will be disturbed by the earth change regardless of whether or not the property is within 500 feet of the lake.

If you plan to merely dig a post hole that will be filled the same day, for example, the District Soil Erosion and Sedimentation Control office generally will tell you to proceed without a permit; but it is best to determine in advance if compliance is necessary. The violation of this act carries criminal penalties. The act does not apply to logging operations, operation of a garden for production, or harvesting of crops.

Required permits may be obtained from the District Soil Erosion and Sedimentation Control officer in your County.

If You Plan To Place Fill Or Structures In, Or Excavate Or Drain, Wetland

Wetlands are one of our most valuable natural resources. They protect the water quality of the lake by acting as a natural filter in addition to being a vital habitat for fish and wildlife. Once wetlands are destroyed (filled) they never can be replaced.

For these reasons, the laws controlling wetlands are both comprehensive and technical. Permits to fill wetlands are difficult to obtain if there is an available alternative. Penalties for violations are severe. The Michigan Department of Environmental Quality (DEQ), which is responsible for the Wetlands Protection Act, can and will pursue both the contractor and the property owner in cases of violations of the Wetlands Act.

If you plan to place fill or structures in or excavate or drain a wetland, you must apply for a permit from the DEQ. If you are not certain your property is a wetland, request a wetland determination from a private consultant or the Tip of the Mitt Watershed Council. A small fee will be charged for this service.

If You Plan To DO Anything Along The Shoreline

If you plan to do anything along the shoreline below the ordinary high water mark, you must have a DEQ permit under the Inland Lakes and Streams Act. This applies to anything dumped into the lake (such as sand) or installed along the shoreline (such as a rip rap, a breakwater, or a permanent dock of any kind). You may not extend your property into the lake in any way without a permit. Work planned above the ordinary high water mark may require a permit from the Soil Erosion and Sedimentation Control office in your county.

If You Plan To Drill A Well

If you plan to drill a well, you will need a permit from the Northwest Michigan Community Health Agency. Both Charlevoix and Emmet Counties now have well codes that are very specific as to how your well is to be drilled and records that must be kept.

If You Plan To Change The Use Of Your Property

The uses of your property are restricted by the zoning ordinances in effect in your township. If you plan to change the use of your property, you should first clear this with your Township Zoning Administrator.

Caution!

The fact that one agency may give you a building or septic permit does not relieve you as a property owner from also obtaining a soil erosion or wetland permit prior to commencing work. Legally, ignorance of the law is not an excuse.

What You Should Do If A Neighbor May Be In Violation

Since there are significant penalties for wetland and other violations of zoning ordinances and there is the possibility of having to remove fill and restore the area to its natural condition, you will be performing a service to your neighbor by inquiring whether they have obtained the necessary permits.

If they have not, and cease operations to get the right permits, you will have done them a favor. If they are unwilling to get the necessary permits, you should contact your Walloon Lake Association Neighborhood Captain or Township Representative. The additional contact by this person perhaps will result in compliance.

If that does not work, the Walloon Lake Association Government Affairs Committee will investigate the matter and, when appropriate, will advise the proper agency that an apparent violation exists.

If you see earth being moved or fill being brought in, a question to either the owner or the contractor regarding the existence of a permit would be appropriate. If soil is being placed in what looks like muck, it may be a wetland problem. In such a case,

first report it to the Walloon Lake Association Neighborhood Captain or Township Representative.

If you are unable to reach either, you should call the DEQ (989/705-3442) and request to talk to someone in the Geological and Land Management Division. If there is no one available in that division, tell the operator that either filling or dredging of a wetland appears to be occurring and request a conservation officer to investigate the matter immediately. It will be useful to advise the operator of the location where the filling or dredging is occurring, the amount of fill being placed or soil being removed, the name of the contractor, the name of the owner, and directions on how to find the location.

To make all contacts a matter of record and to assist in future follow up actions, be sure to confirm any verbal contacts with any individual or agency in writing, with a copy to the Walloon Lake Association office.

Look first to your local Zoning Administrator for help in detailing the necessary permits for your project and for determination of a possible violation.