

**Benzie-Leelanau District Health Department
Board of Appeals**

June 26,2024

The Board of Appeals meeting was called to order at 10:04 a.m.

Members Present: Douglas Rexroat(L), Forrest “Bud” Welch (L), Rhonda Nye(B), Bob Roelofs(B) and Donald Barrows (L)

Members Absent: None

Members Excused: Evan Warsecke (B)

Staff Present: Eric Johnston, Jim Reardon and Clay McNitt

Appellants Present: Jesse Mitchell, Representative for Property Owner

Pledge of Allegiance

Chair Person of the Board of Appeal

Roeleofs volunteered for the position, no one opposed.

Vice-Chair of the Board of Appeal

Rexroat volunteered for the position, no one opposed.

Approval of Minutes:

Motion By: Nye to approve the Board of Appeals meeting minutes from June 30, 2021.

Seconded By: Barrows

Voice Vote: 5 yeas 0 nay 1 excused Motion Carried

Approval of Agenda:

Motion By: Rexroat to approve the agenda for the June 26, 2024 Board of Appeal Meeting.

Seconded By: Nye

Voice Vote: 5 yeas 0 nay 1 excused Motion Carried

Public Comment - None

Appeal # L24-001

Property Location 3784 S. Grants Landing, Lake Leelanau

Property Tax ID# 45-001-111-003-00

Mitchell was representing the property owners, as they were in California. The current septic system was built in the late 1960’s/early 1970’s. BLDHD and Leelanau County did not have any records on the property to show what kind of septic system was in place. As the property was in the process of transferring ownership a review was performed.

Reardon, the Sanitarian, performed the review. Upon the initial review, in August 2023,

he noticed that there was liquid bubbling out of the septic field. It was determined that was broken plumbing that was causing the failure. When Reardon went back in April 2024 to perform another inspection, he noted that the drain field was dry but the test site outside of the drain field showed that the natural high water table level was 3 inches below the surface, this is a huge red flag for a failure. The septic system in place had been built on top of sand and stone fill that had been brought in approximately fifty years ago. The soil type that is found in the area is unsuitable for any conventional septic system, along with an ATS system. Mitchell suggested that if additional fill was brought in and regular testing was performed of the well water then an ATS system could work. His clients do not want to install a holding tank system. The argument that a well test would not be sufficient was by the time any contaminants showed up in the well, the environment would have been severely contaminated. The next suggestion that was brought up to support having an ATS was to have test holes dug around the ATS drain field to ensure that there were no contaminants showing up there. It was asked how the water would be collected for this. As possible processes were described it was determined that there was no great way to do this as if the water could be extracted there were many ways the sample could be skewed by many outside factors that would not show a true sample of what could be happening with an ATS system. Mitchell suggested that more fill could be brought in to raise the drain bed to an appropriate height from the natural occurring water table. The Sanitarians argued that the natural soil is the biggest issue, the current water table is above the natural occurring soils. The water table is located within the fill that was brought in approximately 50 years ago. The main issue for the failure of the septic system was the unsuitable ground and the high-water table. Reardon's report in 2024 showed a high-water table and the Sanitarian, Chuck Grant's report from 1997, showed a high-water table in the area. These are the two main reasons why an ATS system could not be approved by BLDHD. Rexroat asked if he should be excused from voting as his cottage has a holding tank system and it could make him biased. Rexroat's request to be excused was denied. The reason being that he had plenty of time to review the documentation to make that decision before attending the meeting. Also, every Board of Appeals Member will have some sort of biased due to their prior experiences with septic systems.

Motion by: Barrows to approve the recommended action from the Benzie-Leelanau District Health Department to have holding tanks.

**Roll Call Vote: Nye- yea; Barrow-yea; Roelofs – yea; Welch – nay; Rexroat - yea
4 yea 1 nay 1 absence Motion Carried**

Public Comment:

Mitchell stated that his clients will install the holding tank system. He will encourage his clients to investigate to see if there is any nearby property that would be suitable for this community drain field. Once a suitable property was located his clients would reach out to their immediate neighbors to see if they were interested in creating a community drain field that all of them could connect to.

Board Comments - None

Motion to Adjourn by: Barrows

Seconded by: Roelofs

Voice Vote: 5 yea 0 nay 1 absence Motion Carried

Meeting adjourned at 11:36 a.m.



Robert Roelofs, Chair



Shelley Jablon, Recording Secretary