

MODIFICATIONS

Modifications Committee Design Guidelines

Sylvan Beach Resort Company (SBRC) owns 32 acres of land, which is made up of Parkland (common use property) and Leaseholds (individuals). SBRC owns the land in its entirety, and it falls under the jurisdiction of the SBRC Board of Directors (Board) and the Modifications Committee.

SBRC is located on a Critical Dune. Any work that involves modifying the ground requires an EGLE permit and a Muskegon County Soil Erosion permit or variance from the Dept. of Public Works. Septic System work requires an additional permit from Muskegon County Public Health Department.

Every Shareholder must have a general understanding of where their Leasehold ends and Parkland begins.

General Considerations

1. Any proposed construction or modification should be consistent with the general character of the other properties at Sylvan Beach. Article VII, Section 4 of the Bylaws, amended July 1999, states in part: "... plans and specifications showing the nature, kind, shape, color, size, materials, and location of such modifications, additions, or alterations, shall be submitted ... for approval as to quality of workmanship and design and as to harmony of external design with existing structures, location in relation to surrounding structures, topography, and finish grade elevation. "
2. All additions and improvements should insure that they in no way hinder the quality of experience of the neighbors or others at Sylvan Beach. This might include visual or auditory experiences. Any change to the exterior structure (especially height, shape or size) should be consistent with the factors identified in General Considerations paragraph #1 above. Examples of exterior structural changes include (but not limited to) a change in footprint, height, roofline, balcony, deck, dormer, or a bay window.
3. Approval in writing to any proposed construction or modification should be obtained from the immediate neighbors on either side of the applicant's Leasehold if at all possible. If the neighbors have questions or concerns, the applicant should resolve these with the neighbors or with the help of the Modifications Committee before the plans go to the Board of Directors for approval or disapproval. If the immediate neighbor does not return this form by the agreed upon or reasonably requested date, with proof of repeated requests, the Modifications Committee will proceed with its normal review process. A lack of response will be interpreted as no contest to the proposed modification.
4. It is expected that all applicants become aware of the location of their Leasehold boundaries. The Shareholder is advised to confirm where the Leasehold ends and Parkland begins. For instance, for many, but not all, Leaseholds, the banks and beaches, and even portions of front yards are outside of individual Leaseholds and thus are Parkland property.
5. All applicants are expected to comply with the applicable laws, regulations, and permitting of the Michigan Department of Environment, Great Lakes and Energy (EGLE), Fruitland Township, Muskegon County, and the State of Michigan. Some changes approved by the Committee or the Board may require township, county or state permits or variances. Our approval is not a guarantee that other authorities will also approve.
6. Modifications and Board approval is not required for interior or exterior changes that do not change the height, shape or footprint of the structure. Examples such as: to remodel a kitchen, to paint the exterior, to reroof using similar materials, repair or replace an existing porch or landing (same footprint), or to install new windows. The Shareholder is reminded that the change must be consistent with the general character of other properties and as a courtesy, neighbors should be informed.

Parkland Structure Additions or Modifications (Bylaw Article IX Review)

Any new structure (i.e. community building, garage, free-standing seating area, storage shed) to be built on Parkland, or the sale or distribution of Parkland property, must be approved by a two-thirds majority of all the SBRC stock outstanding.

The installation of an Association water well, waste disposal system or moving a Parkland structure to a different Parkland location due to an emergency can be approved by the Board of Directors, upon review and approval of the Modifications Committee.

Other than an emergency as set forth above, all amendments or construction on Parkland must be approved by a two-thirds majority of all the SBRC stock outstanding, including but not limited to the installation of a water well, a waste disposal system, or moving a dwelling for the benefit of a Leasehold.

Personal Boathouse Construction

The provided guidelines outline regulations and procedures for boathouse construction and maintenance in specific circumstances:

- **Emergency Construction Permissions:** If a boathouse is at risk due to unforeseen circumstances, owners can request special permission from the Grounds Chair and SBRC Board to conduct construction during the summer season (June 30 to Labor Day). Express permission from both parties must be obtained before beginning any work. This policy was adopted in May 2020.
- **Boathouse Construction Restrictions:** Fruitland Township prohibits the construction of new boathouses along the White Lake shoreline. Any waterfront construction requires permits and reviews by EGLE and/or the Army Corps of Engineers. According to Inland Lakes District Article VIIIa, Section 8.02a, no buildings are allowed within 100 feet from the normal ordinary high-water mark of streams, creeks, lakes, or similar bodies of water, except for buildings permitted by setback averaging. No boathouses at Sylvan Beach have grandfather privileges with Fruitland Township (Val Jensen, Zoning Administrator, Fruitland Township, April 2024).

These guidelines ensure that any construction or maintenance work on boathouses adheres to safety protocols and legal requirements set by local authorities.

Decks, Stairs, Landings and Lift Construction

Association Provided Shoreline Access – Stairs and Footpaths

The Sylvan Beach Resort Company (SBRC) has historically provided up to 5 access points, (located near the 6143, 6089, 6073, 5871 and 5841 Murray Rd Leaseholds) to the Lake Michigan beach and a natural access point to White Lake's Boathouse Row from the parking area to the south of the boathouses. They were established to provide equity of access for its members. The care and maintenance of these access points is the responsibility of the Association.

Leasehold-built Stairs, Lifts, Landings and Sunset or Sunrise Porches

Over time, individual cottages, or a group of cottages, have added additional stairs/lifts for their convenience.

Safety Concerns:

- The Association prioritizes safety and preventing injuries on structures like stairs, lookouts, and lifts built on Parkland.
- The Association may hire a certified carpenter to regularly inspect these structures.
- If repairs are needed, the responsible Leasehold(s) must complete them within a timeframe set by the Grounds Chair.

Liability and Insurance:

- Owners of structures such as stairs, lifts, and landings must have liability insurance for them.
- The Association's liability insurance covers structures and footpaths on White Lake and Lake Michigan.

Personal Structures:

- Structures built on Parkland by Leaseholds, except for Association-maintained stairs, are considered for personal use.
- Residents of other Leaseholds should obtain permission from the owners before using personal stairways, docks, lookouts, or lifts.

Maintenance Responsibilities:

- Leasehold(s) involved in building stairs, lifts, landings, and porches on Parkland are responsible for its inspection, maintenance, repair, demolition, or rebuilding.

- If a Leasehold that participated in building a structure is sold, the new Shareholder assumes responsibility for the structure's maintenance and repair.
- The Association will conduct regular inspections to assure structures on Parkland property are sound.

Stair, Lift, Landings and Porches Request Criteria:

- Disturbance of trees, tree roots or vegetation. Structures designed so as to preserve the integrity of the dunes.
 - The applicant must obtain the necessary permit or approval from governing bodies, such as EGLE and/or Fruitland Township, early in the process.
 - Necessity of the request. Would denial of the request create a hardship for the Shareholder or his family, (i.e. Wheelchair accessible ramp).
 - Comparison to similar structures in the Association.
 - Location in comparison to similar structures in the Association.
 - Topography and grade of the bank.
 - Effects, if any, on the neighbors.
 - Quality of the workmanship, particularly as it affects safety, and harmony of design.
1. Requests for new stairs, decks, landings, or lifts on Parkland require an application and approval of the Modifications Committee, and Board approval. Requests are considered on a case-by-case basis.
 2. With Modifications Committee and Board approval, the request will be presented to Shareholders at the next Annual Meeting for a vote. If the request is urgent, a Shareholder vote can be taken by a Special Meeting to be called by the Board.
 3. New stairways do not need an EGLE permit under the Critical Dune Act (EGLE 4/2024) if they are:
 - Five feet wide or less,
 - Elevated above ground (space between the steps and the ground).
 - Holes for support posts are hand dug, with minimal removal of vegetation
 - Uncovered, not enclosed. They may have railings.
 4. New stairways built within 500 ft of a body of water, however, must have Muskegon County approval and permit under the Soil Erosion and Sedimentation Control Act. The concern of the Act is any soil disturbance within 500 feet of a body of water.
 5. New decks do not need an EGLE permit under the Critical Dune Act if they are:
 - Less than 225 square feet in size,
 - Elevated above grade, and
 - The holes for support posts are hand dug with minimal disturbance of vegetation.
 6. Expansion of old decks may not exceed the 225 square feet maximum. If the decks are within 500 feet of a body of water, a Muskegon County permit may be needed for stairs.
 7. Fruitland Township and Muskegon County approvals/permits **FOLLOW** all SBRC approvals. In the event that the Township or County does not approve a particular request, their decisions will act as a check and balance to our process.
 8. Repairs to existing decks, stairs, landings or lifts do not need the permission of Modifications Committee or the Board unless a change in footprint, or modification of design is planned. Requests for changes should be handled by the Modifications Committee alone, unless a major change is planned and the Board will give due weight to following the recommendations of the Committee. Off season Board decisions will be made as quickly as possible.
 9. Association stairs, decks and landings are the responsibility of the Association and of the Board. These structures should be maintained in a safe, attractive and usable condition on a year-to-year basis. These structures are maintained under the direction of the SBRC Grounds Chairperson.
 10. Decks and stairs must be maintained in a safe and usable condition by the owners, who also assume full liability for injuries occurring on these structures. All decks, stairs, etc. **MUST** be insured by Shareholder. (modified 2021)
 11. Ownership of decks, stairs, landings, overlooks and lifts on Parkland transfers with Lease agreement. If the Leasehold is sold, the structure is considered attached to the Leasehold and the responsibility of the structure passes on to the new owner.
 12. Shareholders with lifts used to transport people to the shoreline, or their cottages, are responsible for their maintenance and repair. All safety checks and maintenance are expected to be done annually before June 30th.

Association Infrastructure Construction

Driveways, footpaths, and utility easements are vital for SBRC. Driveways offer access from Murray Road to Leaseholds and Parkland buildings for Shareholders and emergency vehicles. They also enable safe movement within Association property.

- **Ownership and Access:** SBRC owns all property, including driveways. Associate members have access to their properties via SBRC driveways and footpaths by SBRC Association permission.
- **Township Regulations:** Fruitland Township recognizes SBRC ownership and requires SBRC Board approval for changes affecting driveways or footpaths before granting permits.
- **Maintenance Responsibilities:**
 - SBRC maintains gravel and dirt roads and driveways.
 - SBRC is responsible for maintaining and repairing sidewalks and Association Beach stairs. Broken sections are repaired or replaced under the Association's Ground's Chairperson.
 - If construction on Parkland causes damage to sidewalks, repairs are made at the expense of the responsible Shareholder under the Association's Ground's Chairperson.

No driveway easements exist at SBRC as the Association owns the property in its entirety. (A legally filed 1974 driveway agreement between Block 3 Lots 9 & 10, which allows the owners of Lot 10 to drive a vehicle across Lot 9 to access their cottage and carport, is on file in the Association archives.) Associate members whose properties are surrounded by SBRC property, namely 6057, 6067, 6019, and 6023 Murray Road, have ingress and egress to these properties from Murray Road and Lake Michigan beach using SBRC driveways and footpaths. This access is recognized by the SBRC Board and is by permission.

Driveway Modifications

- **Parkland Driveways:** Any changes to Parkland driveways need approval from two-thirds of SBRC Shareholders.
- **Leasehold Driveways:** Changes to Leasehold driveways can be approved by the Board of Directors after review by the Modifications Committee. If a proposed change affects a neighbor's access, the Committee may require the Shareholder to seek Association approval.

Shoreline (Revetment) Protection Policy (May 28, 2022)

That the Sylvan Beach Resort Company's responsibility for shoreline protection is limited to:

- Additionally, any common property without a Leasehold adjacent to the property (i.e. the area between 5682 Murray Rd and 5852 Murray Rd Leaseholds).
- On the Lake Michigan shoreline, adjacent to abandoned Muskegon County roadways and other common property used for common access by SBRC residents. (See attached map yellow highlights for detail)

It is the responsibility of each SBRC Shareholder, *and Interior SBRC Associate property owners*, to establish and maintain, with approval of the Board as to design and location, such shoreline protection systems as are necessary to protect their respective Leaseholds, whether or not such systems are located within the boundaries of their Leaseholds or situated on the common beach, park areas, or non-leased lots within the boundaries of the Resort Company.

The SBRC Board will collaborate with adjacent landowners should they need to install shoreline revetment. It is the hope of the SBRC Shareholders that the same level of courtesy and collaboration be reciprocated.

White Lake bluff Shareholders are responsible for the shoreline protection along Boathouse Row. Should White Lake shoreline protection measures have implications on a boat house owned by a separate Shareholders, the SBRC Board expects both parties to cooperate with one another to come to the best resolution for both parties before submitting modifications application to the SBRC Board.

Boathouse owners are responsible for the appearance and structural integrity of their building, and the safe and orderly maintenance of land around and underneath the boathouse, to SBRC standards. The Shareholder is responsible for the bank and protecting their Leasehold.

The Board of Directors, along with the support of the Modifications Committee, will undertake to:

1. Sign as underlying landowner when required all Michigan Department of Environment, Great Lakes and Energy (EGLE) permitting only for shoreline protection systems.
2. Work to develop a comprehensive plan for shoreline protection, relying on current EGLE opinion of best practices.
3. Work with Shareholder to seek cooperation from all affected Shareholders, only if those affected cannot come to agreement;
4. Receive and process any complaints concerning non-compliance and/or adverse action regarding shoreline protection;
5. Help monitor existing shoreline protection systems;

Shareholders are encouraged to continually monitor and address shoreline erosion issues to avoid the need for a crisis response. The SBRC Board recommends Leaseholds start this process immediately. The Board assumes no responsibility to monitor for Leasehold shoreline issues.

Leasehold Modifications

Leasehold Structure Additions or Modifications (Bylaw Article X Review)

Any new Leasehold structure must be vetted through the Modifications application process, including obtaining Board approval. This includes structures such as (but not limited to) a garage, deck, shed, wood box, pergola or fence.

All additions or changes are subject to the State, County and Local zoning ordinances, and all other applicable laws or ordinances (e.g. EGLE Critical Dune permits, Muskegon County permits, Fruitland Township ordinances and codes).

The Bylaws stipulate that only one residential structure shall be erected on a single Leasehold. Fruitland Township Building Codes allow only one residential structure on a single lot.

The installation of a water well, a waste disposal system on a Leasehold can be approved by the Board of Directors, after review and approval of the Modifications Committee.

Leasehold Landscaping, Mechanical and Lighting Installations

All additions and improvements should ensure that they are consistent with the general character of Sylvan Beach and in no way hinders others' quality of experience at Sylvan Beach. This might include visual or auditory experiences.

1. Above grade landscaping such as decks, plantings (trees, flowers, bushes, hedges, and shrubs), fences, boulders, waterfalls, or terracing should not obscure sightlines.
2. Addition of items that may create constant noise (for instance air conditioning units, generators, and fountains) or constant bright light on a Leasehold should insure that they are consistent with the general character of Sylvan Beach and in no way hinder others quality of experience at Sylvan Beach.
3. Improvements at ground level (at grade) totally within the Leasehold boundaries do not require approval as long as the General Considerations are adhered to.
4. Additions to a Leasehold, such as (but not limited to) a garage, deck, shed, wood box, wood racks, pergola, fences, area lighting, pet containment systems, and in ground or permanent above ground watering (sprinklers) pipes or fixtures, requires Modification Committee and Board of Directors approval.
5. For improvements of community structures currently on Parkland property, approval is not required for interior or exterior changes that do not change the height, shape or footprint of the structure. For example: to remodel a kitchen, to paint the exterior, to reroof using similar materials, repair or replace an existing porch or landing (same footprint), or to install new windows.

Modifications to SBRC Parkland and/or Leaseholds

Guidelines, Procedures and Forms

Modifications Committee Role, Function, and Purpose

The role, function, and purpose of the Modifications Committee is to:

- **help** the Board by carefully reviewing the detailed plans of the applicants, taking into account our standards and bylaws.
- **help** the applicant(s) understand SBRC guidelines and complete the various steps they need to take with their modifications plans.
- **foster** improvement of family Leaseholds
- **provide** a forum to encourage reasonable discussion on such topics.
- **review** our own design guidelines and those of Fruitland Township periodically to insure that we are up to date with SBRC bylaws, SBRC long range planning and Fruitland Township site development standards for our zoning district.

These guidelines and procedures are intended to be helpful and even empowering to homeowners.

Procedural Guidelines

1. The Modifications Committee shall meet as needed and report to the Sylvan Beach Board of Directors as required. Except in the case of emergency, all new requests should be given to the committee between Memorial Day and Labor Day. Work should be accomplished between Labor Day and July 1st of the following year.
2. The Modifications Committee shall follow the guidelines established by the SBRC Bylaws, approved July 1995, and amended July 1999 and July 2012: Article VII, Section 4 Article IX, Section, 1 Article X, Section 5
3. Proposals should be submitted to the Modifications Committee on the approved forms. For all additions and new construction plans and specifications will be required.
4. As many Committee members as possible will visit the site of the proposed modifications. Within a reasonable length of time the committee will formulate a recommendation for the Board based on the SBRC Bylaws and the Modification Committee Guidelines.
5. After the Committee has determined its recommendation, copies of a report and the proposed plans will be forwarded to the president of the Board of Directors for distribution, review, and final SBRC approval or disapproval.

SYLVAN BEACH RESORT COMPANY
Leaseholder Request For Modification/Construction
Please submit to Modifications Committee Chair

Primary Contact Name _____

Sylvan Address: _____

Email: _____ Phone: _____ ⇐ Circle Best Way to Contact

Please check all that apply:

_____ **I have read and understand the Sylvan Beach Design Guidelines (attached).**

_____ **I have signed the enclosed Damage Waiver**

_____ **I have included the Neighbor approval signatures**

Applicants will comply with the applicable laws, regulations, and permitting of the Michigan Department of Environment, Great Lakes and Energy (EGLE), Fruitland Township, Muskegon County, and the State of Michigan.

I have, or intend to apply for, the following permits

	Intend/Applied	Received	Comment:
TWP Permit	_____	_____	_____
EGLE Permit	_____	_____	_____
Other State or County:	_____	_____	_____

Description of proposed modification or construction (Please use back of page as needed):

For all additions or new construction, please submit "before" and "after" site plans showing dimensions of lot, dimensions of proposed and existing structure(s) and where located, etc. Also submit drawings showing the nature, kind, shape, color, size, materials and location of the proposed modifications, including exterior elevation drawings.

Proposed dates of modification: Start _____ Finish _____

(For MC and Board Use)

_____ Date Submitted

Modifications Recommendation to the Board: Approve _____ Disapprove _____ Date _____

(Signature)
SBRC Modifications Committee Chair

Board Recommendation: Approve _____ Disapprove _____ Date _____

(Signature)
SBRC Board of Directors - President

SYLVAN BEACH RESORT COMPANY

AGREEMENT WITH SYLVAN BEACH RESORT COMPANY

I / We, the undersigned, acknowledge and agree that if any damage occurs to or on Sylvan Beach Resort Company property or to adjacent neighbors' property during the construction and/or repair work done on my Leasehold, it will be repaired at my / our expense. I / We also agree to work with the Grounds Chairman of the Sylvan Beach Resort Company in order to accomplish any repair (s) to the standards of the Sylvan Beach Resort Company.

DATED: _____

Shareholder Signature _____

Shareholder Signature _____

SBRC Cottage Address _____

Email: _____ Phone: _____ ⇐ Circle Best Way to Contact

SYLVAN BEACH RESORT COMPANY

NEIGHBORS' APPROVAL FOR MODIFICATION/CONSTRUCTION

Applicants for modifications/construction must secure the approval of their immediate neighbors for their modifications plans. When neighboring Leaseholds have multiple owners (as in an LLC or trust), the signature of the designated representative for that cottage will suffice for all.

Applicant should complete the following and then give to their neighbor:

Name of Applicant(s) _____

Address at Sylvan Beach _____

Brief description of proposed modification or construction-use back as necessary:

Proposed dates of modification: Start _____ Finish _____

Neighbor should complete the following and return to the applicant:

Name _____

We (I) have seen the applicant's drawings or written plans for modifications/construction —Check all that apply:

_____ We have talked to the applicant about the changes:

_____ We have questions about:

_____ We (I) accept the plans for modifications/construction as submitted

_____ We disagree and have concerns and wish to talk with the Modifications Chair about our concerns-Please Identify in the comment section below.

Date _____ Signature of Neighbor _____

Address at Sylvan Beach _____

Email: _____ Phone: _____ ⇐ Circle Best Way to Contact

Additional Comments or Concerns-Please use the back of the page:

Please note: If the immediate neighbor does not return this form by the agreed upon or requested date, with proof of repeated requests, the Modifications Committee will proceed with its normal review process. A lack of response will be interpreted as no contest to the proposed modification.