



Michaywé Owners Association Manual of Requirements for Building Projects

Building Projects in Michaywé

This Building Manual has been prepared by the Site Development Committee (The Committee) to agree with the Master and Unique Added Subdivision Deed Restrictions, which are available on the Michaywé website www.michaywe.com or at the MOA office. This Manual was approved by the Michaywé Board of Directors.

Michaywé is a year-round residential community where wildlife is abundant and beautiful evergreens blend in with birch, maple, and beech trees. The “Dream” of Michaywé (an Indian word meaning “Last Elk Herd”) started to be realized in 1968. During that summer, the master plan that was designed was approved by Otsego County under the Planned Unit Development Ordinance. The land was purchased by the developer and the first plat in Michaywé was recorded December 3, 1970.

While the Developer owned Michaywé, he used the Master and Unique Added Subdivision Deed Restrictions and selected the Site approval person for building projects. Benson Wood was the first to approve projects. When he retired Tom McHugh was then selected. When the developer transferred the amenities to the MOA, the MOA Board selected Glen Roberts as the Chairman of the Site Development Committee, and Glen selected five members to join him on The Committee. A majority vote was, and still is, required for project approval. This original committee developed the first building manual.

From its beginning, the Michaywé development has been conceived as a private, wooded community with a predominantly Alpine motif. This conception will continue to provide the framework for Committee-approval decisions of building projects. The following pages provide requirements for obtaining approval of building projects.

A copy of the Building Manual will be furnished to each applicant by the MOA office.

Site Development Committee

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Section I MOA Requirements for All Building Projects

Property owners and/or builders must submit an application, available at the MOA office, for the following projects:

- New residential units
- Exterior additions to a residential unit
- Garages, car ports, and sheds
- Fences, garden/retaining walls, and swimming pools

Note: Modifications to the interior of an existing structure are not subject to these requirements.

No project work is authorized until an application is approved by the MOA Site Development Committee. This Committee is appointed by the MOA Board of Directors who has delegated compliance with the Master and Added Subdivision Deed Restrictions to this Committee.

A completed application, plus all documents listed on the application sheet, must be submitted to obtain Committee approval. The Committee will respond to the applicant within fourteen (14) business days. If applicant's plan is not approved as submitted, suggestions will be made for changes and plans can then be resubmitted. Consultation by The Committee is encouraged prior to project development by attending Committee meetings usually held once a month. Call the MOA Office (989) 939-8919 to obtain meeting dates and time.

All projects must contain:

1. Completed Application for Project Plan Approval.
2. Site plan – See Sample Site Plans below, including proposed Tree Removal (Site Plan Requirements are noted on the Application for Project Plan Approval).

In addition to all the items above, if your application is for one of the following projects, you will need to supply these listed additional documents/information:

- A. Fence: Materials, color, and height of the fence (Maximum height is 4 feet).
- B. Garden/Retaining Walls: Materials.
- C. Swimming Pool: Fencing materials, height, and color of enclosure.
- D. Fuel Tank: Screening materials, height, and color.
- E. Shed: Photos of a pre-manufactured shed; or front, back, and side elevations of an onsite constructed shed.
- F. Deck: Materials.
- G. Garage: Front, back, and both side elevations; floor plan; exterior materials and color. If installing a new driveway to the garage, a Driveway Permit from the County will be required.
- H. Addition: Front, back and side elevations, Floor plan, Exterior Materials and color.
- I. New House: Front, back, and both side elevations; floor plan; exterior materials and color. A Driveway Permit from the County will be required.

Prior to preparing a project application, it is suggested that the applicant:

- Call any member of the Site Development Committee to set a time and date for an interview prior to preparing the project application.
- No site plan tree removal is to take place prior to reviewing the project application with a Site Development Committee member.

- For new structure projects, no tree removal is to take place until the project application is submitted and approved.
- The owner is responsible for architectural services and establishing property lines. The owner/contractor is responsible for obtaining the building permits from the county. The county will not issue a permit without project approval and stamp from the Site Development Committee. The owner is responsible for all applications and fee requirements.
- The Site Development Committee is responsible for considering variances, building location on site, and for compliance with the Building Manual guidelines.

Mailing Address

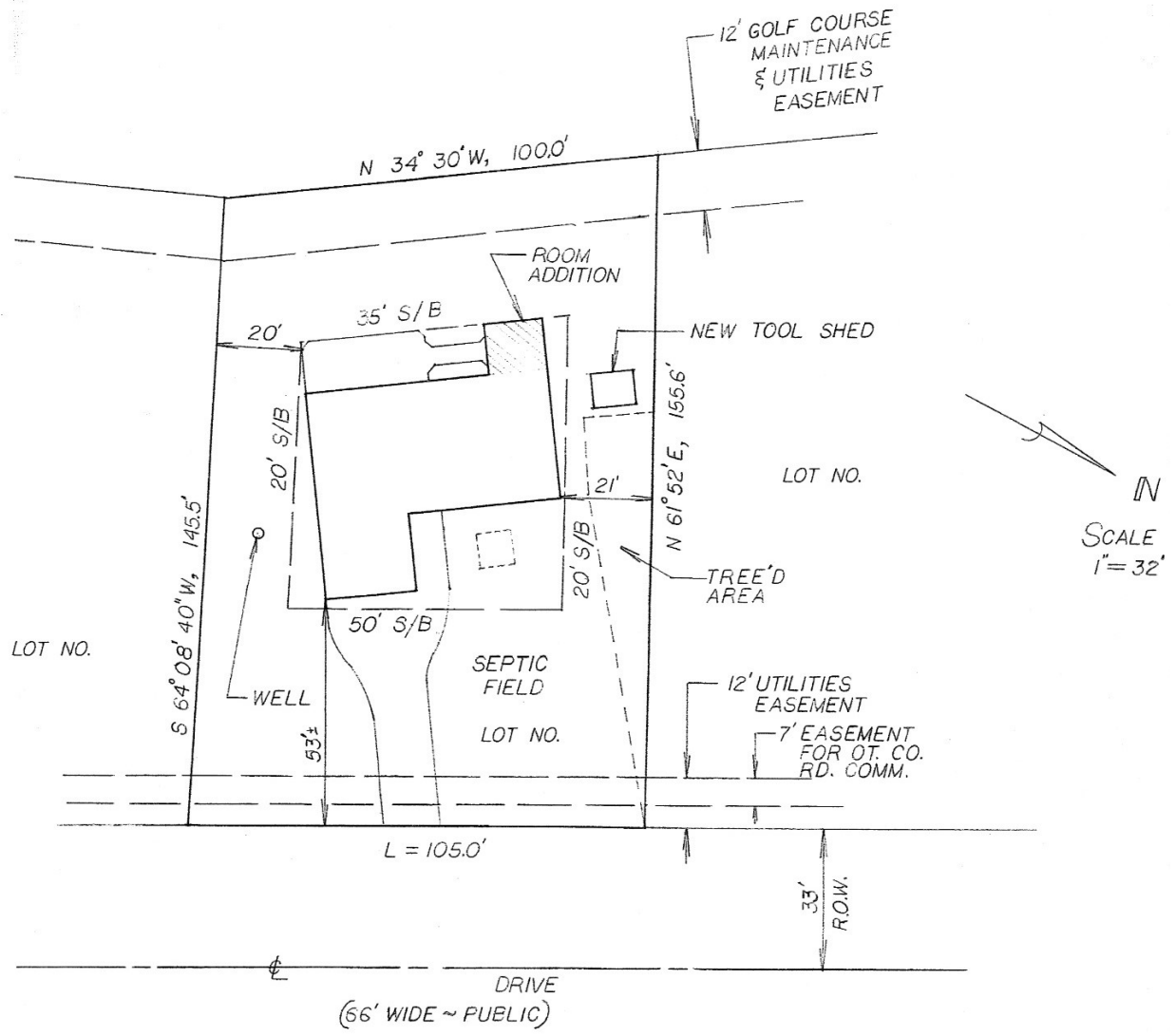
MOA Site Development Committee
1535 Opal Lake Road
Gaylord, Mi. 49735
Mark Eckstein (989) 939-8841
Phone: (989) 939-8919
Fax: (989) 939-8511

Site Development Committee Members

Kirby Robertson, Chairperson (949) 858-9926

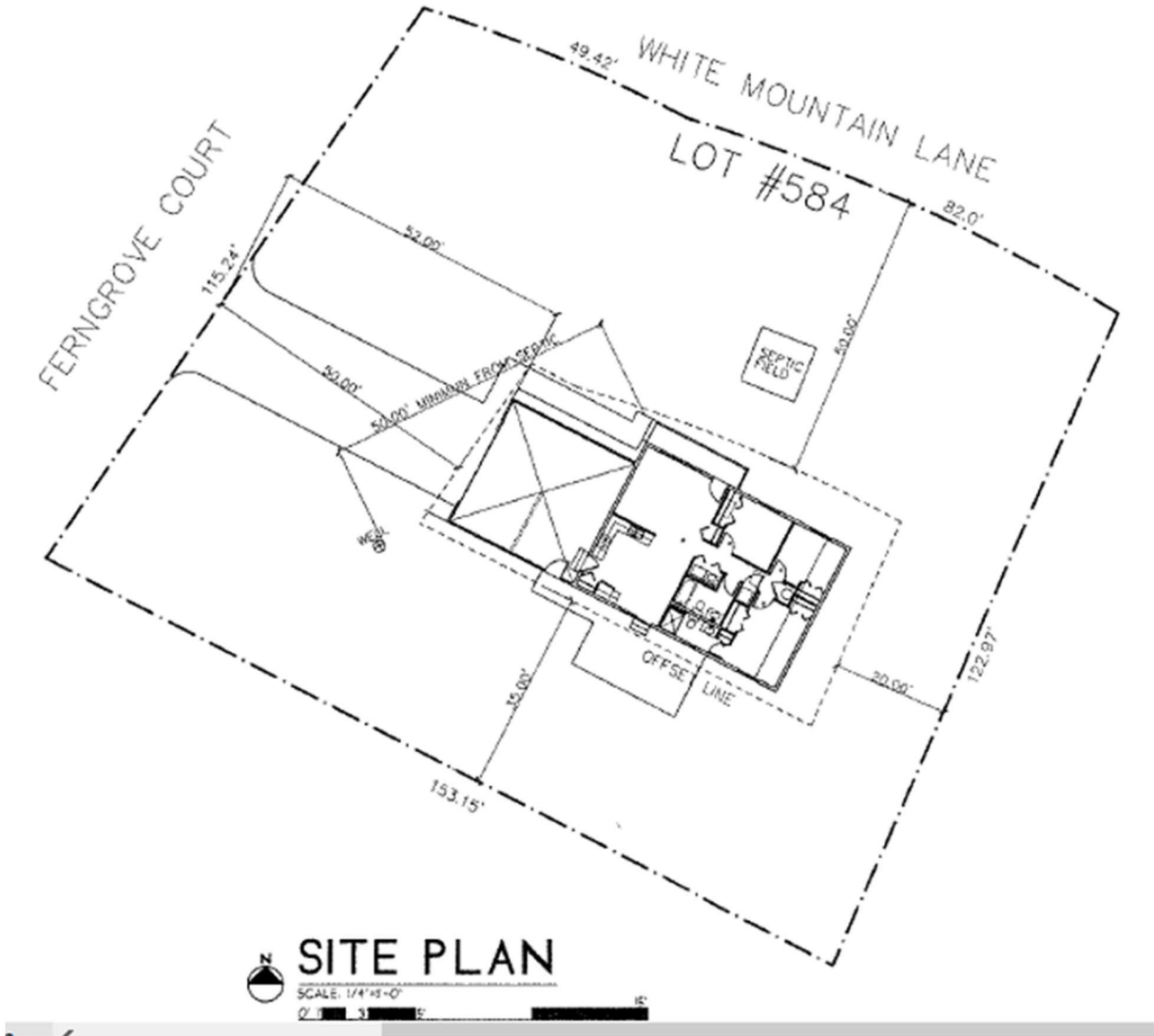
Tim Miller (810) 624-9645

**Sample Site Plan
Standard Lot**

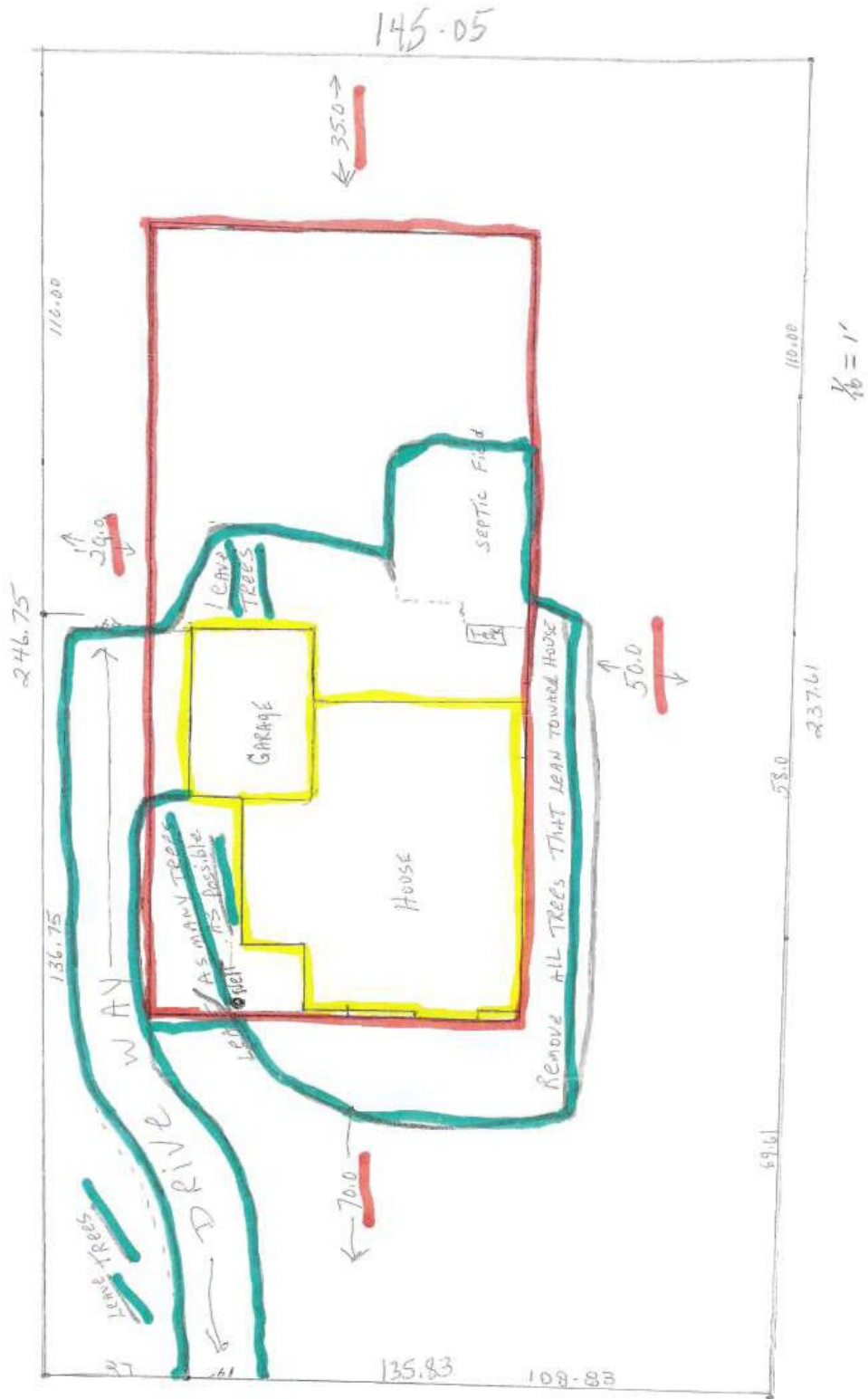


LEGAL DESCRIPTION

Sample Site Plan
Corner Lot



Sample Site Plan Tree Removal



Section II Site Development Committee Procedure for Project Approval

A. Requirements

The Michaywé Master Deed Restrictions provide that no building or other structures shall be erected or trees removed, within Michaywé subdivisions, or shall any exterior additions or alterations be made to any structure, except interior alterations, until a plan is submitted and approved by MOA or its assigns (The Site Development Committee). The property owner or agent shall complete an application form, provide all required information, and pay appropriate fees to the Michaywé Owners Association (MOA) office located at 1535 Opal Lake Road, Gaylord, Michigan 49735.

B. Review Process

The applicant must:

- Be in good standing with all dues and fees paid.
- Submit an application package consisting of the application form and all required plans and information requested.
- Deliver the completed application package to MOA Office for distribution to Committee members.

Committee members will review the application package and furnish comments to the Chairperson. The Chairperson will advise the applicant of approval or any Committee review comments within fourteen (14) business days.

The standards to be applied have two sources: The Michaywé Master and Added Subdivision Deed Restrictions and the prevailing architectural style currently in existence within the neighborhood.

From its beginning, the Michaywé development has been conceived of as a private, wooded community with a predominantly Alpine motif. This conception will continue to provide the framework for decisions by The Committee. Specifically, all new houses constructed within Michaywé will meet the following standards unless the majority of existing houses in the vicinity of the proposed construction do not meet a given standard. Removal of trees for building purposes will be approved by The Committee. Generally, trees within the “construction zone” will be permitted. The “construction zone” is defined as that area bounded by the building perimeter plus 20 feet (front and rear yard) and 15 feet (side yard).

The maximum number of trees that can be cut down on a one-time basis per developed property is 10%. Homeowners may cut down any tree up to 6” diameter as measured 12” above the ground, diseased trees, or trees that are an endangerment. Non-developed lots may not remove trees 6” and wider until just before development. Trees removed outside of a “construction zone” may require replacement. The type, size, number, and locations will be specified by the MOA. Generally, the same tree type with two trees replaced for each one removed will be required.

Section III Application for Project Plan Approval

Application Date: _____

Please print all requested information

Submitted by: _____ Expected Start Date: _____

Lot No: _____ Street: _____ Sub No.: _____

Lot Owner: _____ Builder: _____

Address: _____ Address: _____

City/State/Zip: _____ City/State/Zip: _____

Telephone: _____ Telephone: _____

Email: _____ Email: _____

Modification of existing structure: Yes _____ No _____

Shed: Yes _____ No _____

New Structure: Yes _____ No _____

Tree removal required: Yes _____ No _____ (Show on scale drawing)

Variance required: Yes _____ No _____

Required for approval:

- _____ Submit 3 copies of this submittal sheet
- _____ Submit 3 copies of architectural drawn site plan
- _____ Submit 3 full sets of architectural drawn plans
- _____ Submit copy of Otsego County Road Commission Driveway Permit

Site Plan Requirements: Accurately drawn to scale with dotted lines for setback dimensions on all sides of building structure and with proposed driveway shown.

- _____ Drawn to scale – with scale used listed on site and building plan
- _____ Setbacks: Front – 60’ preferred with 50’ minimum Rear – 35’ minimum Sides – 20’ minimum
Corner Lot – 50’ minimum on both fronts, 20’ minimum on both sides
- _____ Location of well and septic system shown (If known) – minimum 50’ separation between them
- _____ If oil or propane is used, location of exposed storage tank and type of surround/screening around tank must be shown. (**Note:** surround/screening must be completed prior to occupancy)

Architectural Requirements: (To be completed by submitter)

- _____ Floor plan showing building dimensions
- _____ Complete front, rear, and side elevations – all levels
- _____ Exterior material:
 - Upper Level: _____ Color: _____
 - Lower Level: _____ Color: _____
 - Roofing (6/12 min. pitch): _____ Color: _____

Note: If vinyl is used, textured grain is required

- _____ If over 16 inches of exposed foundation block or concrete walls, it must be finished.
Type of finish _____ Color: _____
- _____ Livable floor space excluding basement: Total Sq. Ft.: _____

The approval of this application is conditional to the county issuing permits where applicable. A copy of the county permits must be presented to the committee prior to construction.

Applicant is welcome to attend Committee meetings at the clubhouse held each month. Call the MOA Office to obtain meeting date and time (989) 939-8919.

By signing, applicant concurs they have read the “Michaywé Owners Association Manual of Requirements for Building Projects.”

Signature: _____

Date: _____

Any revisions to this application must be resubmitted to the Site Development Committee for approval.

Section IV Guidelines

The Committee will use the following guidelines to comply with “harmonious and aesthetic” in establishing suitability for building structures submitted by builders or property owners. The Committee will consider reasonable deviations to these guidelines.

The Applicant shall be provided a copy of the MOA Manual at the time an application is requested. This provision may be waived if the Applicant can furnish evidence that they have a copy of the current MOA Manual.

When necessary, an applicant is required to furnish evidence that a driveway permit has been issued by the Otsego County Road Commission prior to receiving MOA approval.

Plans shall have a one-year effective period from the date of approval. An extension for a specific period of time may be approved by The Committee upon request of the Applicant.

All buildings erected shall have their approved exterior finishes completed within six months from the start of construction. An extension for a specific period of time may be approved by The Committee upon request of the Applicant.

All proposed changes in plans that were approved by The Committee shall be re-submitted to it for review and potential approval.

General guidelines:

- a. Staking of the precise dimensions of the proposed construction onsite, prior to the cutting of any trees or grading, in order to minimize the cutting of trees and to achieve harmony with the positioning of houses on adjacent lots.
- b. Distinctive but compatible structures.
- c. Wood/Earth tone exterior colors.
- d. Relatively steep roof slopes (6/12 or greater).
- e. Multiple sides – not box like.
- f. Fuel Storage Tanks: All fuel storage tanks shall be installed in compliance with Otsego County codes and regulations. Accordingly, all fuel storage tanks must be located a minimum of ten (10) feet from any building. If above ground, fuel storage tanks shall not be located between the roadside and the front of either the house and/or garage structures. In all cases, fuel storage tanks must be concealed, by either natural or constructed means, from view of the street and golf course in a manner that is consistent and in architectural harmony with the site, its buildings, and landscaping.
- g. Minimum one-foot overhangs.
- h. Brick, stone, stucco, wood, or wood-grained siding for exterior materials
- i. Conventional construction.
- j. Fences: Fences shall not extend beyond the limits of the front view of the house and garage structure. They can extend into the backyard up to within 5 feet of the rear lot line. However, a fence cannot be located less than 35 feet from the rear lot line where the rear of the lot borders a golf course. Wood type fences can be natural, stained, or colored. Metal type fences shall be a black, dark brown, or dark green color. Fences shall not exceed 4 feet in height.
- k. Garages: No garage shall be permitted on a single undeveloped or combination of undeveloped lots. Garage heights shall not exceed the height of the existing home. Colors and materials must match or otherwise be consistent with the existing home. No garage exceeding 75% of the homes first floor footprint will be permitted without a variance approved by the committee. However, no garage shall be permitted to exceed a 36ft width and 46ft length. Structural framing may be either post and beam or conventional wall framing construction. Maximum garage door height shall not exceed 14ft. All garages shall be constructed consistent with local code loading requirements and with a minimum roof pitch of no less than 6/12. Garages may not be used for permanent or temporary (greater than four weeks) living use.

Garages in Michaywe with 14ft door height
Stick built framing required for garages with doors exceeding 10ft in height.



Michaywe Garage with post and beam construction

- i. Sheds: Sheds shall match the house and garage colors. Shed locations shall comply with standard setback dimensions and not be located in front of the roadside of the house or garage structure. One shed shall be permitted on a single or combination lot.
- m. Garden/Retaining Walls:
 1. Garden/Retaining walls shall be constructed of wooden timbers, decorative stone, or colored-decorative concrete.
- n. Permanent Signs:
 1. Commercial-Permanent signs shall have a minimum area of 50 square feet.
 - A permanent sign shall be a minimum of 10 feet from a property line.
 - Lighting shall not be permitted unless approved specifically by the MOA Board.
 2. Residential-Permanent signs shall have a maximum area of 6 square feet.
 - Lighting shall not be permitted unless specifically approved by the MOA Board.
- o. Exposed Basement/Foundation Walls: A maximum of 16 inches of basement/foundation wall may be exposed and untreated. A continuation of the house or garage material is a preferable use on remaining exposed surfaces. Alternative treatments may be considered provided they are approved by The Committee.
- p. Temporary Structures: Temporary structures may only be erected for a period of no longer than 5 days. No application or permit is required.
- q. Siding and Trim Specifications: Siding and trim specifications shall include the following:
 1. Wood: Natural wood sidings and trim to include the following, or equivalent, subject to Committee approval:
 - a) Fir or southern yellow pine T111, or RB&B.
 - b) Patterned and beveled siding (including ship-lap, log cabin, tongue and groove, and haida-skirl).
 - c) Cedar shingles and shakes.
 2. Composite: Composite wood sidings and trim to include the following, or equivalent, subject to Committee approval:
 - a) Textured overlay over O.S.B. substrate (i.e. Louisiana-Pacific Smart System).
 - b) Hardboard.

3. Masonry: Masonry treatments and trim to include the following, or equivalent, subject to Committee approval:
 - a) Brick or brick veneer.
 - b) Stone or stone veneer.
 - c) Fiber cement.
 - d) Dryvit or stucco.
4. Vinyl: Vinyl wood grain sidings and trim to include the following, or equivalent, subject to Committee approval:
 - a) Vinyl siding with a minimum thickness of .042 inches.
 - b) Vinyl siding with variegated (grained) pattern.
 - c) Board and batten.
 - d) Cedar shingle and shake (Nailight brand or its equivalent).
- r. Architectural Details: Wall spans of more than twenty feet (20') in length and ten feet (10') in height must include one or more of the following details:
 - a) Shutters.
 - b) Gable vents.
 - c) Band board.
 - d) Vertical, horizontal, and diagonal trim.
 - e) Gingerbread.
- s. Outdoor Wood Burning Furnaces: These units are prohibited within the Michaywé PUD.
- t. Antenna Towers: These units are prohibited within the Michaywé PUD. This guideline does not apply to commercial or non-Michaywé property.
- u. Guidelines for Factory Built Homes (BOCA): In addition to the above guidelines:
 - a) These homes *must have* a minimum 6 x 12 roof pitch
 - b) 1 ft. minimum overhang
 - c) 2 car attached garage. Garage must be offset from the home, minimum of 2 ft set back or forward of the home.
 - d) The home must have a covered front porch with gable roof.
 - e) Shutters or other aesthetic features.
 - f) Front elevation must be approved by the Site Development Committee.
 - g) Minimum 1,200 sq. ft. single story; 1,000 sq. ft. first floor of a two-story home.
 - h) Must be consistent with items (q) 1-4 and r above.

These guidelines and the Master Unique Added Subdivision Deed Restrictions are used so property can be developed into a beautiful, harmonious residential community. If disagreements occur, The Committee decision shall prevail. However, the applicant can appeal Committee decisions to the MOA Board.

Site Visits:

The Committee will conduct site review visits for the following events:

- a. Prior to approval of the building plan. **No trees are to be removed** until a site visit is made by the review Committee. During this visit, the need for a topography plan will be determined.
- b. Prior to installing footings, property lines should be easily marked to permit setback determinations.
- c. Prior to requesting an occupancy permit from the County.

Note: The builder is to advise the MOA Office **72 hours in advance** of events numbered b & c.

Variations:

Variations may be granted as provided within the Master Deed Restrictions Article VI Section 2(c). The Committee will review the request and provide input to the applicant.

The Michaywé Board of Directors has allowed the Site Compliance Committee some latitude in granting variations. However, the variance request must be measured against the standards as set forth in the Otsego County Zoning Ordinance *Section 26.6 Dimensional or Non-Use Variance* which states:

Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve "practical difficulties" within the meaning of this Ordinance, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears that there is clear and convincing evidence that all the following facts and conditions exist:

26.6.1 That the requested variance will not be detrimental to the public welfare or otherwise injurious to other properties in the same zoning district.

26.6.2 That the requested variance is necessary for the applicant to receive a right available to other properties in the same zoning district

26.6.3 That special physical conditions or unique circumstances exist with this property and do not generally apply to other properties in the same zoning district.

26.6.4 That the special conditions or circumstances are not the result of actions by the applicant or predecessor in title.

26.6.5 That the requested variance is the minimum variance necessary that will make possible the reasonable use of the land.

It is incumbent upon the applicant to provide evidence that each of the above requirements have been met. It is further stipulated, given the values established for the front, rear, and side yard setbacks, that the Site Compliance Committee cannot issue a variance that exceeds more than ten (10) percent of the stated requirements established by the Deed Restrictions unless reviewed and granted by the Board of Directors during a regular board meeting held at the duly appointed time, at which time the applicant must be present. Prior to the meeting, all contiguous property owners of record, including those separated either by public road or easement, must be notified in writing via certified mail, no less than ten (10) working days preceding the meeting, in order that they may ask questions or express their concerns.

Under no circumstance will the Home Owners' Association grant a variance that is less than the requirements stipulated in the Otsego County Zoning Ordinance for R1 Districts, see Article 17 Schedule of Dimensions 17.1 Table 1 and subject to Article 21 21.1.1 Accessory Buildings (follow link below).

<https://otsegocountymi.gov/DocumentCenter/View/525/Otsego-County-Zoning-Ordinance---Amended-April->

2021-PDF?bidId=

Once the variance has been approved, it will be submitted to the applicant in writing by the Owners Association, subject to any conditions agreed upon, and within ten working days be recorded at the Otsego County Register of Deeds at the applicant's expense. Should the applicant fail to meet the conditions agreed upon, the Board, at its discretion, may exercise its right to seek all remedies afforded to it by law.

Section V Fee Requirements

1. Plans and specifications must be submitted for review and approval of all structures.
2. Fees:

<u>Project</u>	<u>Fee</u>
Fences/Walls	No charge
Propane Tanks	No charge
Sheds	No charge
Decks	\$55.00
Garages	\$55.00
Addition to House	\$55.00 up to 200 sq. ft. \$110.00 over 200 sq. ft.
New Houses	\$110.00 - Application must be completed and submitted with the building and site plans.
Plan Re-Review Fee	\$55.00 - Plans that exceed one year from date of approval and no construction has taken place will require re-review.

3. All fees should be paid to Michaywé Owners Association.

Section VI. Building Manual Revision Log

Originally Adopted by the MOA Board of Directors on March 17, 2001

Revision	Date	Publication Date	Description
1	1/23/05	---	Deed Restriction changes (i.e., min. size changed to 1,200 sq. ft.)
2	1/23/08	9/08	Prohibit installation of outdoor wood burning furnaces
3	1/29/11	---	Revised fuel storage tank guidelines
4	12/6/12	12/12	General revision, updating, Committee name changed, and fee schedule revised
5	6/21/14	6/14	Revised Committee members; added Tower Antenna restriction, sample tree removal site plan, and applicant signature and date on applications
6	2/21/15	2/15	Revised Committee members; included garden/retaining walls
7	5/14/16	5/16	Added email address lines in applications and revised Committee members
8	9/23/17	9/17	Added conditionality of county permits being issued, tree cutting requirements, garage size, and number of sheds permitted
9	1/20/18	1/18	Added "applicant has read..." to Section III applications; clarified Section IV Tree Removal App and added "reason for tree removal"; clarified exterior completion requirements in Section V
10	10/5/18	10/18	Removed committee member
11	12/27/18	12/18	Tree Removal Applications removed
12	6/22/19	6/19	Roof pitch note added
13	9/26/20	9/20	BOCA Home guidelines added
14	5/15/21	5/21	Garage guidelines clarified
15	9/18/21	9/21	Garage guidelines revised; revised site plan example and requirements made; revised committee members.
16	7/22/23	8/23	Variance rules updated