



Fresh Coast Planning

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MEMORANDUM

To: Tallmadge Charter Township Planning Commission
From: Gregory L. Ransford, MPA
Date: May 15, 2026
Re: Private Road Application – 24th Avenue – Gerald Lee

Pursuant to the Tallmadge Charter Township Private Road Ordinance (TCTPRO), attached is an application from Mr. Gerald Lee to expand the use of the existing private road, 24th Avenue. As you may know, 24th Avenue Private predates the Private Road Ordinance. In accordance with Section 1.03D of the TCTPRO, in the event of any proposed road extension, additional lots, or building sites, the existing private road must comply with the provisions of the TCTPRO. Given that Mr. Lee is seeking to divide his property (Parcel No. 70-10-03-100-010) to create an additional lot on the private road, he has provided the attached application materials. The private road is not proposed to be extended in length.

Ordinance Requirements

As aforementioned, any expansion of use of a private road that does not meet the TCTPRO, including through additional lots, requires compliance with the TCTPRO. Specifically, and in addition to the minimum lot size and width requirements of the Zoning Ordinance, the private road must meet the minimum pavement width and depth, contain the required turn around at its end, provide for an adequate maintenance agreement, among other provisions.

Application and Property Details

The application has been reviewed and found to be generally complete. As shown on the site plan, the applicant proposes to improve the existing gravel road with pavement and divide his property on the east side of said private road. His property is located within the Rural Preserve (RP) Zoning District, while the remaining properties along that portion of 24th Avenue are located within the Agricultural Zoning District.

The proposed resulting parcels will meet the requirements of the RP Zoning District with the vacant lot being 10.05 acres and 324 feet of frontage and the remainder being 26.01 acres with 837 feet of frontage (where 2.5 acres and 165 feet of frontage are required).

Deficiency

As you know, applicants can seek variance from the Tallmadge Charter Township Board of Trustees for any provision of the TCTPRO. As outlined further below in the Variance section of our memorandum, Mr. Lee is seeking relief from the minimum road width required by the TCTPRO. Section 1.04 – Minimum Standards for Private Roads requires private roads to be improved with pavement for at least twenty-two (22) feet in width, where the applicant is proposing to maintain a 20-foot width for the majority of the private road. The narrowest section of the roadway, station 16+25 to 16+60 as noted on the site plan sheet C201, would be sixteen (16) feet wide. That section crosses an existing stream, and the narrower width is an attempt on the part of the applicant to create the least possible disturbance to the natural waterway. Otherwise, the remainder of the roadway width is generally proposed at twenty (20) feet, which remains less than the required twenty-two (22) feet. This is the only deficiency of note for the private road pursuant to the language of the TCTPRO.

In accordance with Section 1.06—Procedure for Review of Private Roads of the TCTPRO, we believe the applicant has otherwise satisfied the requirements of the TCTPRO, pending execution of the Private Road Maintenance Agreement.

Township Department Reviews

Fire Department

While the private road, as proposed, would not meet the width requirement of the TCTPRO, which is generally a necessity for ordinary firefighting services, the Township Fire Department arranged for a hydrant connection to the existing pond on the subject property to alleviate challenges for water service on a narrower road than required by the TCTPRO. As you will note within the Fire Department review letter, Mr. Lee will install a dry hydrant and provide the legal easement access to the pond on site, which will enable the Fire Department to use the water for firefighting purposes.

Township Engineer

As you will note within the materials, the applicant has provided a letter from his engineer certifying that the road improvements were found to have minimal impact by the Ottawa County Water Resources Commissioner's (OCWRC) Office. This letter was requested by the Township Engineer following correspondence from the OCWRC regarding their minimal impact approval letter, which is also attached.

Variance

As aforementioned, while the applicant is improving the road with pavement, he does not propose improving it to the full specifications of the TCTPRO. As a result, a variance is needed from the Tallmadge Charter Township Board of Trustees (TCTBT), who is the body authorized to provide relief from the TCTPRO. As you know, pursuant to Section 1.04E – Minimum Standards for Private Roads of the TCTPRO, the width of the pavement shall be at least twenty-two feet, where the applicant proposes twenty feet generally for the entire length of the road, except that area crossing the existing stream at sixteen feet in width.

Pursuant to Section 1.09 – Variances of the TCTPRO, the applicant may seek relief from the required pavement width from the Board of Trustees. While the Planning Commission is the approving body of private road applications and remains such with this particular request, your approval (or denial) would be contingent of the TCTBT granting the variance. Given the need for a variance, it is appropriate for the Planning Commission to

Below is a copy of the standards for variance within Section 1.09 of the TCTPRO for your review. To assist you with your review we provide our comments in *italic* font below each standard.

Section 1.09 – Variances

- A. THAT the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or the public interest. The possibility of increased financial return shall not of itself be deemed sufficient for a variance.

The private road is maintaining approximately the same width it has now while improving the surface. It would appear that this will not be of substantial detriment to adjacent properties, nor would it materially impair the intent and purposes of this Ordinance or public interest, particularly because the Fire Department has indicated they can serve the dwellings on the road with the aforementioned improvements and water access.

- B. THAT the condition or situation of the specific piece of property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formation of a general regulation for such conditions or situation.

Although many private roads within the Township would likely require improvements where their owners seek land divisions, we do not believe most of those have access to a pond such as exists on the northeast side of the applicant's parcel. As stated in the Fire Department review letter, the proposed driveway and parking area will provide sufficient access for fire apparatus. The dry hydrant to be installed into the pond on the applicant's property will assure Fire Department personnel use of this water source, which is unique to this private road.

- C. THAT by reason of exceptional narrowness in width, breadth, length, or shape of specific piece of property on the effective date of the Ordinance, or by reason of unusual topographic conditions, or other extraordinary situation or condition of the land, building, or structure or of the use of property immediately adjoining the property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardship.

As aforementioned, the existing road crosses a stream. The request for a narrower width accommodates this natural topography. In addition, we understand that increasing the road width beyond 20 feet will impact existing mailboxes and front yard lawns, related irrigation, and the like.

- D. WHERE there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance is observed, public safety secured and substantial justice done.

As aforementioned, the natural topography crossing the stream and avoiding negative impact to the existing front yards of the properties served by the private road create practical difficulties to achieve the full width of twenty-two feet. It does not appear that public safety or justice would be compromised by allowing this variance.

Planning Commission Considerations, Recommendation, and Draft Motion

Considerations

As the Planning Commission deliberates regarding this application, the following warrant your review. They are listed in no particular order.

- Standards of Section 1.09 – Variances
- A condition that the applicant shall install a dry hydrant to the satisfaction of the Fire Department providing water service from the existing pond as well as secure the necessary access easement to the satisfaction of the Township Attorney to access the hydrant

Recommendation

In accordance with Section 1.06B3 of the TCTPRO, in the instance the Planning Commission finds the application meets the requirements of the Ordinance, then the Commission shall approve the application. We believe approval may be appropriate, with the condition that the TCTBT grants the requested variance.

In the instance you agree that approval is appropriate, we have prepared the following motion for your consideration.

Motion to approve the Applicant's request to upgrade the existing private road known as 24th Avenue Private to serve an additional lot created through a land division. The site plan includes:

- County of Ottawa – Office of the Water Resources Commissioner letter dated April 22, 2026 re: 24th Avenue Private Road – Minimal Impact Approval (1 page);
- Roosien & Associates letter dated April 29, 2026 re: Private Road Letter 24th Avenue Private Road – Tallmadge Township (1 page);
- Private Road Maintenance Agreement (4 pages);
- Amended and Restated Private Road Easement (11 pages);
- Site Plan Set
 - 24th Ave.; Project No. 250954, dated February 24, 2026, Existing Conditions and Removals Plan, Sheet C-101;
 - 24th Ave.; Project No. 250954, dated February 24, 2026, Grading and SESC Plan, Sheet C-102;
 - 24th Ave.; Project No. 250954, dated February 24, 2026, Street Improvement Plan, Sheet C-201;
 - 24th Ave.; Project No. 250954, dated February 24, 2026, Street Improvement Plan, Sheet C-202 and;
 - 24th Ave.; Project No. 250954, dated February 24, 2026, Detail Plan, Sheet C-501

with the following conditions:

1. The TCTBT approval of a variance from Section 1.04E to permit a reduced road width, as shown within the site plan, of twenty (20) feet in lieu of the required twenty-two (22) feet and sixteen (16) feet from station 16+25 to 16+60.
2. The applicant shall install a dry hydrant to the satisfaction of the Fire Department providing water service from the existing pond as well as secure the necessary access easement and related agreements to the satisfaction of the Township Attorney to access the hydrant
3. Execution of the Private Road Maintenance Agreement and the Amended and Restated Private Road Easement
4. [Insert Condition, if necessary]
5. [Insert Condition, if necessary]

This application is scheduled for your consideration at your May 26, 2026, meeting. If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Mark Bennett, Supervisor