

10 Things in my favor:

1) 56 years of family ownership and sound stewardship of our rustic property: My family has owned the property more or less as it is for 55 years. We have been responsible owners and good neighbors, never causing trouble, but definitely NOT upgrading our development to the current gentrified norms. What we have suited my parents just fine, and in fact they preferred it the way it was. Given my history as an Eagle Scout, and my family history of camping trips across the U.S., and our history at Lake Charlevoix, keeping it more or less as it is suits me well also. That shouldn't be a crime.

2) No changes to the septic system on my watch: The septic system as it stands was in place before I took over the property. It was never registered, but I'm not sure if my father knew that was a requirement. (I sure didn't know that when I applied for a well permit which lit this fuse.)

3) Preventative Maintenance work done when my father was alive: The septic system in place is a hybrid system that includes the original tank, and one that was added when my father owned the property, which was done as a preventative maintenance upgrade to provide a tank that could be pumped out. (The original tank would have needed to be modified to allow for that, and after excavation work was done to find it, it was decided it would be less trouble and a better solution to install a new tank of similar size that was readily serviceable.)

4) The system works: the septic system appears to meet all restrictions except for size – and yet the size matches our usage very well. (It's 100+ feet from the lake, and meets the 48" ground water separation requirement.)

5) Zoning considerations: Zoning appears to be on my side as far as keeping the legal use of a trailer, and in allowing it to be connected to septic, as it always has been.

6) Zoning vs Health Dept. conflict: The Health Dept. seems to have its own zoning rules that differ from the Township, and they appear to have no good reason for trying to enforce the version they are inflicting on me other than enforcement and bowing to neighborhood sentiment – ie harassment.

7) A rush to judgement? It appears that the Health Dept. may well have jumped to conclusions the property situation, my family history, and my rights. It also seems that they have dug in their heels on their intent to enforce their will, which undermines my rights and interests.

8) Stirring the pot: The Health Dept's incomplete / inaccurate info that they published to my neighbors has greatly harmed my reputation and property interests.

9) Harassment: I've been effectively harassed for many years by the Township (with trouble with my lot line, and getting approval to construct a garage for my boats) and more recently also harassed by my neighbors. My parents were harassed for decades by the previous developers. When is enough enough?

10) What's the problem anyhow? It appears to serve no appropriate public interest that should be important to the Health Department to force compliance on such a little used property that has a fully functional system in place that poses no environmental threat, works just fine, and suites our needs perfectly. Adding a water-well won't change our general usage pattern, and won't appreciably alter the water usage either – it will simply enable the place to be used without the bother of having to lug in potable water, and it will allow for an occasional shower vs bathing in the lake or driving to Whiting.

What it appears to me that the Health Dept. thought when they first visited my property:

- 1) That I had recently brought in a brand new and illegal travel trailer. *(It wasn't illegal at all, and it was actually smaller than the one that had been in place for decades.)*
- 2) That I had illegally connected the trailer to a sewage pipe. *(Again, it wasn't illegal at all – our trailer has always been connected to the septic system since we bought it in 1967.)*
- 3) Given that there was no registered septic system, that no septic system whatsoever might be in place. *(There most certainly was a system in place and always had been. But it is true that it was never registered by my father. I don't know that requirement was created if he knew about it or not.)*
- 4) That my upscale new shed was an additional infraction that they needed to help curtail. *(The construction on my property since I bought it was property planned and approved.)*
- 5) When they finally inspected the portion of my septic system that they observed, that it had been illegally installed and was an aberration of code and conduct. *(Any alterations that occurred to the septic system occurred years before I became the owner of the property, and what my father knew or didn't know about the need for a registered septic system is not clear to me. What I do know for certain is that he had been harassed for decades, and he was not in any mind to add to his troubles by asking the Health Department to inspect our property. All he saw was more trouble looming form them. Turns out, he was exactly right.)*

Basically, it seems that the Health Department felt that everything I was doing was illegal, and that they need to help the neighborhood get rid of the trailer trash and associated aberrant behavior that my family seems to represent to them, and to my neighbors. And it seems that they will go to any length to enforce their will, including effectively harassing me and undermining the integrity of the earth that our septic system resides in.

Hal Wolff

Reasons to take on this lawsuit vs simply installing a new septic system:

- 1) I feel I have been mistreated by the Health Dept.
- 2) There is nothing wrong with the septic system that is in place.
- 3) Now is not the right time to put in a new septic system.
- 4) Getting a variance would allow me to install a water well – now IS the right time for that.
- 5) I feel I am under suspicion by my neighbors, and have been harassed by them.
- 6) Pulling out my system under pressure would be an admission of guilt, which after 55 years, and being under pressure, that's hard to swallow.
- 7) It would cost about as much (or more) for a new septic as it would for a (modest priced) lawsuit.
- 8) I'm 61 and have health issues. I don't plan to build a house / cottage at the moment. That would be the right time to put in a new septic system, not now. But I do want to enjoy my property as much as possible with the time I've got left on earth, however long that may be. Not being harassed, or having the neighbor's think that my septic system was or is inadequate is important to me – as is the legacy of my parents who owned the property for 50 years before I did. They weren't behaving irresponsibly. They kept the property in an antiquated manner, but as they chose, and as was their right, and as is mine. Getting a water well is also important to me.

Event Timeline regarding the Wolfe / Wolff property

- 1) 1967 - the Richard and Ellen Wolfe family purchase 2 lots on Cedar Lane.
- 2) **2012 – Preventative Maintenance work done** on the septic system prior to and during 2012-13.
- 3) 2013 - Richard Wolfe dies suddenly in August of 2013 at age 86.
- 4) 2015 - Hal and Ellen Wolfe file for a lot line shift with Eveline Twp in 2015.
- 5) 9-23-2015 - Eveline Twp. approves the shift, but doesn't mention the 90 day sunset clause.
- 6) Summer 2016 – The Wolfe family discovers that the lot line shift approval has lapsed due to lack of updated deed. The Township will NOT reapprove it.
- 7) Oct 2016 – Ellen Wolfe dies suddenly at age 92.
- 8) **April 20, 2017 – Hal takes ownership of the family's Charlevoix property.**
- 9) May, 30, 2018 – ZBA rules against Hal's request to reinstate the lot line shift.
- 10) Sept. 29, 2018, Hal files lawsuit against Eveline Twp to reinstate property line shift.
- 11) **February 26, 2019, Judge Hayes finds in favor of Mr. Wolff and reinstates lot line shift.**
- 12) Sept 2020 – Hal sells western lot to Jack & Jill. They immediately clear-cut entire property.
- 13) March 29, 2021, Eveline Twp Zoning approves Accessory Building construction.
- 14) June 2021 – Hal installs new trailer to replace the old one his parents had used for decades.
- 15) Summer 2021, boat garage (pole barn) completed, minor accessory building built (small shed).
- 16) **July 2021, Hal files a well permit with Health Dept. of NW Michigan.** (*All hell breaks loose.*)
- 17) August – Sept. – 3 different inspections conducted by Meghan Stih. (*Mr. Wolff is not engaged.*)
- 18) **Sept. 17, 2021 – Cease and Desist letter issued by Health Dept.** (*Mr. Wolff is shocked.*)
- 19) Oct. 4, 2021 – Health Dept. agents come and inspect the newer portion of the Wolff septic system
- 20) Oct. 21, 2021 – Health Dept issues letter outlining various issues, noting that **“the conditions on the property may require approvals from other agencies outside of this Department, other than this agency, including the Charlevoix Building Department, Eveline Township Zoning, the Tonnadoonah Association.”** (*There are no actual issues with any of these agencies.*)
- 21) **Dec. 16, 2021 – a meeting of the Health Dept.'s Sanitary Code Board of Appeals convenes. They find against Mr. Wolff's appeal on 3-2 vote.** (*Mike Jones pressed hard for non-approval.*)
- 22) **July 2, 2022 – Hal is confronted by a group at Neighborhood Association's annual meeting.** They accuse him with “not living up to Tonnadoonah standards” based on his trailer usage. They unearthed a deed restriction regarding trailer usage that was never enforced (and others violate), and consequently has effectively expired based on a 10-year statute of limitations. The group also confronts Hal on the Health Dept's Cease & Desist. Hal states he thought that had been withdrawn after they inspected the property and found a system was in place. This is not accurate. (Although the Cease & Desist is not mentioned in the Oct. 21 letter, turns out it does still exist.)
- 23) July 2022 – Hal has a phone conversation with Jeremy Fruk (Health Dept. Environmental Director) and Mike Jones (Supervisor). Jeremy confirms that the Cease and Desist is still in force.
- 24) August 2022 - Hal hires Mackinac Environmental Technology to install ground water monitoring wells. They complete this work on 8-29-22.
- 25) September 2022 – Hal contacts Tip of the Mitt Watershed Council to conduct ground water testing. This is completed on 9-27-22. Nothing suspicious is found – all samples are ok.
- 26) **Oct. 2022 – Hal finds & unearths original septic tank on the property - finds it is still in use.**
- 27) Nov. 1, 2022, Mr. Wolff attends meeting of the NW Health Dept's Board of Commissioners. He speaks to them and requests consideration for a variance based on new data, but is denied. (Jarris Rubingh spoke up on my behalf, but Jeremy Fruk made a disparaging (and inaccurate) reply.)
- 28) **Nov 30, 2021 – Hal completes ground water height measurements – his septic system passes the required 48” clearance.** Data was collected for 3.5 months from Sept – mid December.

- 29) Feb. 14, 2023 – Hal engages Dave Glenn of Kuhn & Rogers to contest this case.
- 30) Feb. 23, 2023 - Hal sends a letter to Mr. Jeremy Fruk regarding the status of his property and asks for relief from the unethical Cease & Desist.
- 31) March 7, 2023 - Mr. Fruk Replies and suggests that a way to proceed would be to file for an inspection, which would then leave my situation “ripe for appeal”.
- 32) April 3, 2023 - I drove up to Charlevoix and filed an inspection request.
- 33) April 13, 2023 - I received an e-mail from Mike Jones asking what I was changing. I replied that I am not changing anything, but I had unearthed the original septic system (which I had not for the inspection in 2021) and that I wanted the Cease & Desist removed.
- 34) May 2, 2023 - Hal drove to Charlevoix to attend the Board of Health meeting to make a final plea for sanity before going to the press and filing a lawsuit. (The meeting was cancelled!)
- 35) **July 24, 2023 – a 2nd Sanitary Code Board of Appeals hearing was conducted. The Board finds against Mr. Wolff’s appeal on a 4-1 vote.**
- 36) Sept. 25, 2023 - Mr. Wolff files a case against the Health Dept of NW MI in 33rd Circuit Court.
- 37) Oct. 24, 2023 – an updated file is submitted to the court per a request by the Defendant’s attorney, Mr. Haider Kazim, of CMDA of Traverse City.