



WATER RESOURCES DIVISION FIELD OPERATIONS POLICY AND PROCEDURE

WRD-FOS-013 – Part 353 - Review of Cantilevered Portions of Buildings

Effective Date: July 25, 2011
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Distribution: External

ISSUE

Questions have been raised regarding regulation of cantilevered portions of buildings within the critical dune areas. Under certain circumstances cantilevers or the impact from the cantilevers have caused negative impacts to slopes under and immediately adjacent to the cantilevered portions of structures. These impacts could include excessive shading of native vegetation, changes in wind flows causing a wind tunnel effect, and possible slope changes due to deposition or erosion. Lack of vegetation allows erosion from both water runoff and in some instances from changed wind patterns thus impairing the critical dune resource protected by Part 353, Sand Dunes Protection and Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The Water Resources Division (WRD) seeks to administer Part 353 in relation to cantilevers in a consistent manner and to limit adverse secondary impacts arising from installation of the cantilevers.

DEFINITIONS

“Cantilever” means a projecting beam or floor supported at only one end.

“Crest” means the line at which the first lakeward facing slope of a critical dune ridge breaks to a slope of less than a 1-foot vertical rise in a 5-1/2-foot horizontal plane for a distance of at least 20 feet, if the areal extent where this break occurs is greater than 1/10 acre in size. [MCL 324.35301(b)]

“Restabilization” means the restoration of the natural contours of a critical dune to the extent practicable, the restoration of the protective vegetative cover of a critical dune through the establishment of indigenous vegetation, and the placement of snow fencing or other temporary sand trapping measures for the purpose of preventing erosion, drifting, and slumping of sand. [MCL 324.35301(i)]

POLICY

In municipalities where the DEQ administers Part 353, staff will process permit applications involving cantilevered buildings in a manner that is consistent with the critical dune resource protections mandated by the legislature.

This procedure provides guidance to staff on how to review permit applications for projects that involve cantilevered portions of buildings.

PROCEDURE

Step	Who	Does What
1	WRD Field Staff	<p>Review proposals for cantilevered structures for compliance with Part 353 as explained in this procedure.</p> <p>In reviewing applications for permits for buildings using cantilevers over slopes, based on Sections 35304 and 35316 of the NREPA, staff should consider, among other things, existing and proposed vegetation types, and direction that the cantilever is facing due to both wind and light considerations, height of the cantilever above the slope, and if the slope is ascending or descending. For example, staff should consider whether the design will allow for enough light and water to reach the slopes to allow vegetation to survive. Generally, cantilevers that are elevated one foot for every foot out from the foundation should have adequate clearance. If the cantilevers satisfy this criterion and they are not cantilevering lakeward of the crest, a special exception will not be required to approve permits for a cantilever over slopes with a gradient of greater than one on three.</p> <p>A site plan prepared by a registered professional architect or licensed professional engineer may be required, Sections 35304(4) and 35316(2).</p> <p>Permits should require restoration and/or restabilization of slopes under or adjacent to cantilevers once construction is complete, consistent with Part 353. Restabilization should include planting with shade tolerant species of indigenous plants. If the cantilevered area is within 100 feet of the crest, the shade tolerant plants shall be indigenous, pursuant to Section 35304(4) of the NREPA.</p> <p>If a cantilever proposal follows Part 353 as explained in this procedure, the permit may be issued without requiring a special exception application.</p> <p>If a cantilever proposal is not in compliance with Part 353 as explained in this procedure, identify and communicate revisions needed to comply</p>

Step	Who	Does What
		to the applicant, request a special exception application or deny the permit.
2	WRD Staff – Special Exception Panel	Reviews the proposed cantilever projects that do not provide the isolation distance from the slope with a gradient of greater than one on three. Reviews the special exception application described above pursuant to Section 35317 of the NREPA.

APPROVING AUTHORITY



Luis Saldivia, Acting Manager, Field Operations Section – Lakes Michigan and Superior Water Resources Division

HISTORY

Policy No.	Action	Date	Title
WRD-006	Original	7/25/11	Part 353 - Review of Cantilevered Portions of Buildings
WRD-006	Reformatted	7/25/13	Part 353 - Review of Cantilevered Portions of Buildings
WRD-FOS-013	Revised	3/5/19	Part 353 - Review of Cantilevered Portions of Buildings

CONTACT/UPDATE RESPONSIBILITY

Any questions or concerns regarding this policy and procedure should be directed to Kate Lederle, DEQ, WRD.

A DEQ policy and procedure cannot establish regulatory requirements for parties outside of the DEQ. This document provides direction to DEQ staff regarding the implementation of rules and laws administered by the DEQ. It is merely explanatory, does not affect the rights of or procedures and practices available to the public, and does not have the force and effect of law. DEQ staff shall follow the directions contained in this document.