

DRAFT

**SPRING LAKE TOWNSHIP  
ZONING BOARD OF APPEAL MINUTES  
APRIL 26, 2018 – REGULAR MEETING**

PRESENT: Jack Ketchum, Larry Mierle, George Postmus, Tom TenCate, and Rachel Terpstra  
ABSENT: No one  
PARTICIPANTS: Lukas Hill, Township Community Development Director; and  
Ron Bultje, Township Attorney

**I. Call to Order**

The meeting was called to order by Ketchum at 7:00 p.m.

**II. Approval of Minutes**

TenCate moved to approve the minutes of February 22, 2018 meeting as presented. Postmus seconded the motion, which passed unanimously.

**III. Adopt Agenda**

Terpstra moved to approve the agenda as presented. Mierle seconded the motion, which passed unanimously.

**IV. Dykehouse - Accessory Building Setback and Separation Variances; 18384 - 168<sup>th</sup> Avenue**

On behalf of himself and wife Amy, William Dykehouse presented a request for two side yard variances and a variance for the separation between the proposed accessory building and the existing single-family dwelling.

The proposed accessory building is a 24 feet by 24 feet garage. The accessory building will be setback five feet from both side lot lines (because the lot is a corner lot, it has two front yards and two side yards). The proposed accessory building is in the southeast corner of the lot.

Dykehouse stated that the accessory building would match his dwelling. It will have the same shingles, a similar roofline, and similar siding.

He said that he would use the proposed accessory building for his boat and his truck. He said there would be no water supplied to the accessory building. There would be electricity. However, the accessory building would be used only for storage.

DRAFT

Dykehouse indicated that he could not attach the accessory building to the single-family dwelling on the lot and still meet the required setbacks.

He indicated that his single-family dwelling was constructed in 1992.

Mierle noted his concern that the accessory building would be too close to the single-family dwelling and too close to the property line. He is concerned about the Zoning Board of Appeals allowing a relaxation of these standards.

Mierle wondered about putting the accessory building on the north side of the lot. TenCate noted that would be in the front yard.

Terpstra wondered about the possibility of Dykehouse making the accessory building smaller, and thereby increasing the separation distances from the single-family dwelling and the side lot lines.

Mierle noted that Dykehouse could rent a garage if he cannot build an accessory building as large as he wants on the lot.

Ketchum opened the public hearing. There were no comments from the public. Ketchum moved to close the hearing. The motion was supported by Ten Cate, and it passed unanimously.

Postmus wondered why Dykehouse doesn't simply attach the accessory building to the single-family dwelling and instead have an attached accessory building. Dykehouse said that he did not believe the roofline for the attached accessory building portion would match with the existing roofline for the single-family dwelling.

Bultje noted that although the lot is in the Rural Residential Zoning District, the neighborhood has actually been developed more similarly to a neighborhood in the R-2 Zoning District. He noted that in the R-2 Zoning District, only a five foot side yard setback is required for an accessory building. Therefore, he indicated that a good case could be made for the side yard variances. However, he noted that the separation distance of an accessory building from a principal building on a lot is 10 feet both in the RR Zoning District and in the R-2 Zoning District.

Hill noted that the foundations of the existing single-family dwelling and of the proposed accessory building will actually be separated by slightly more than 10 feet. However, measuring from the eaves of the single-family dwelling to the eaves of the proposed accessory building, there will be separation of only seven feet and two inches. Dykehouse stated that he wants to have eaves on the accessory building in order to match the single-family dwelling.

Mierle noted that the eaves on the accessory building would not be that visible from the road. He is not sure the lack of eaves on the proposed accessory building would make much of a difference in terms of appearance.

Hill further noted that there is only one point where the proposed accessory building will not be located at least 10 feet from the single-family dwelling. He said it is not the case that an entire wall of the proposed accessory building will be too close to the single-family dwelling, but rather just one corner of the proposed accessory building will be too close.

DRAFT

Dykehouse further indicated that he's reluctant to attach the accessory building to the single-family dwelling because that would make the single-family dwelling look like it was in fact mostly garage rather than living space.

Mierle stated he understood the concern of the single-family dwelling looking like it is mostly garage if the accessory building is attached. He wondered about making the accessory building 22 feet by 24 feet, rather than 24 feet by 24 feet, in order to increase its separation distance from the single-family dwelling.

The Zoning Board of Appeals considered the standards for granting a dimensional variance, specifically with regard to the side yards on the south and east of the lot in question.

1. By consensus, the Zoning Board of Appeals found that there are exceptional or extraordinary circumstances concerning the lot, because it is located in the RR Zoning District but in fact the neighborhood has developed more like an R-2 Zoning District.
2. By consensus, the Zoning Board of Appeals found that the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zone; other properties in the RR Zoning District and in the R-2 Zoning District are generally able to enjoy the substantial property right of an unattached double garage.
3. By consensus, the Zoning Board of Appeals found that the variances for the two side yards would not be a substantial detriment to adjacent property and would not impair the intent of the Zoning Ordinance. Rather, the variances would be consistent with the development of the area, and the neighbors are unanimously not opposed to the variances.
4. By consensus, the Zoning Board of Appeals found that the circumstances faced by this lot are not so general or recurrent as to make a Zoning Ordinance amendment a practicable solution.
5. By consensus, the Zoning Board of Appeals found that the circumstances applying to the lot in question have not been self-created by the Dykehouses.
6. By consensus, the Zoning Board of Appeals found that the enforcement of the literal requirements of the Zoning Ordinance would create practical difficulties for the Dykehouses, based upon the above factors.

On the basis of the above consensus findings by the Zoning Board of Appeals regarding the factors in Section 112.I of the Zoning Ordinance for granting dimensional variances for the two side yards, TenCate made a motion to approve the Dykehouse dimensional variance requests at 18384 - 168<sup>th</sup> Avenue, to allow an accessory building to be constructed a minimum of five feet from the east and south side lot lines as shown on the submitted site plan, with the following conditions.

- A. The applicants shall comply with all written representations to the Township, and all verbal representations as reflected in these minutes.
- B. The applicants shall comply with all applicable state and local laws.

A roll call vote was taken. The motion passed with Postmus dissenting.

The Zoning Board of Appeals then considered the standards for granting a dimensional variance relative to the separation distance between the single-family dwelling and the proposed accessory building.

1. By consensus, the Zoning Board of Appeals found that there are exceptional or extraordinary circumstances concerning the lot, because it is located in the RR Zoning District but in fact the neighborhood has developed more like an R-2 Zoning District.
2. By consensus, the Zoning Board of Appeals found that the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zone; other properties in the RR Zoning District and in the R-2 Zoning District are generally able to enjoy the substantial property right of an unattached double garage.
3. By consensus, the Zoning Board of Appeals found that the variance for the separation between the single-family dwelling and the proposed accessory building would not be a substantial detriment to adjacent property and would not impair the intent of the Zoning Ordinance. Rather, the variance would be consistent with the development of the area, and the neighbors are unanimously not opposed to the variance.
4. By consensus, the Zoning Board of Appeals found that the circumstances faced by this lot are not so general or recurrent as to make a Zoning Ordinance amendment a practicable solution.
5. By consensus, the Zoning Board of Appeals found that the need for only seven feet and two inches of separation between the single-family dwelling and the proposed accessory building is at least to some extent a self-created circumstance. The Zoning Board of Appeals by consensus found that while some relief would be appropriate from the 10 feet separation requirement, the Zoning Board of Appeals further found that a reduction of the 10 feet separation to seven feet and two inches was more than required. The applicants could have an accessory building with greater separation than seven feet and two inches.
6. By consensus, the Zoning Board of Appeals found that the enforcement of the literal requirements of the Zoning Ordinance would create practical difficulties for the Dykehouses, based upon the above factors.

Terpstra noted that the applicants could increase the separation distance between the single-family dwelling and the proposed accessory building by reducing the size of the proposed accessory building from 24 feet by 24 feet to 22 feet by 22 feet.

Mierle pointed out that alternatively, the applicants could essentially cut a notch out of the proposed accessory building, at the point where the accessory building is less than 10 feet from the single-family dwelling, and thereby increase the separation between the two buildings.

DRAFT

On the basis of the above consensus findings by the Zoning Board of Appeals regarding the factors in Section 112.I of the Zoning Ordinance for granting a dimensional variance for the separation between the single-family dwelling and the proposed accessory building, TenCate made a motion to approve the Dykehouse dimensional variance request at 18384 - 168<sup>th</sup> Avenue, to allow an accessory building to be within nine feet and six inches of the single-family dwelling as shown on a site plan to be submitted to the Township, with the following conditions.

- A. The applicants shall comply with all written representations to the Township, and all verbal representations as reflected in these minutes.
- B. The applicants shall comply with all applicable state and local laws.

A roll call vote was taken. The motion passed, with Postmus dissenting.

**V. Election of Officers**

Mierle moved that Ketchum be elected as the Chairperson of the Zoning Board of Appeals. Postmus seconded the motion, which passed unanimously.

Ketchum moved that TenCate be elected the Vice-Chairperson of the Zoning Board of Appeals. Mierle seconded the motion, which passed unanimously.

Mierle moved that Postmus be elected as the Secretary of the Zoning Board of Appeals. Ketchum seconded the motion, which passed unanimously.

**VI. Adjournment**

Mierle moved to adjourn the meeting at 8:00 p.m. TenCate seconded the motion, which passed unanimously.

Respectfully submitted,

George Postmus, Secretary  
Zoning Board of Appeals