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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
JUNE 24, 2010 - REGULAR MEETING**

Present: Doug Noren, Larry Mierle, Jack Ketchum, Ginger Brege and George Postmus.

Absent: None

Participants: Lukas Hill, Township Community Development Director.

1. Call to Order.

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

2. Approval of Minutes.

Ketchum moved to approve the minutes of the December 3, 2009 meeting. Postmus seconded the motion, which passed unanimously.

3. Adopt Agenda.

Ketchum moved to adopt the agenda. Mierle seconded the motion, which passed unanimously.

4. PUBLIC HEARINGS

- A. **Reinhart** – 17890 W. Spring Lake Road: This request pertains to Section 348 of the Zoning Ordinance concerning the erection of a retaining wall that is taller than eight (8) feet and does not meet the minimum 50 foot setback.

Reinhart explained the history of the project and outlined the erosion issues on the site. He stated that a soil erosion permit was not obtained at the time he started cutting into the hillside. Reinhart stated there was no other way to solve the erosion issues without a placing a retaining wall in this location. The aluminum wall was stated to be part of the dock permit issued by the MDNRE and was placed there to handle water level fluctuations.

The ZBA expressed concerns about where all of the sand was going to go when home and deck construction begins. The applicant stated that it was going to be used in various locations around the site. The ZBA further expressed concerns that this is an “after the fact” variance and the property is asking forgiveness for violating the ordinance. The ZBA felt that an experienced contractor should have understood that permits are necessary for this type of activity on the waterfront.

Reinhart mentioned that he thought most of this activity was considered landscaping that did not require permits.

The ZBA reviewed each of the variance criteria in Section 112, I, of the Zoning Ordinance and came to the consensus that this request met each criterion with the exception of the fact that this situation was self-created. It was noted that it was likely that the landowner could have constructed a retaining wall in conformance with the Zoning Ordinance, however to remove the wall now and force compliance would likely cause significant environmental impacts and soil erosion problems. Further, Hill stated the wall is not inconsistent with other retaining wall systems on Spring Lake.

The public hearing was opened by Noren. There was no public comment, however Hill mention that there was a letter from the property owner to the south that was generally not in favor the wall or activity on the site. Mierle moved to close the public hearing with support from Brege. The motion passed unanimously.

Postmus moved to approve the variance request to allow the retaining wall to remain in the existing location with support from Ketchum, which was passed unanimously.

- B. **Cather Waterfront Setback Authorization** - 17971 Fruitport Road: This request pertains to Section 356 of the Zoning Ordinance concerning the determination of a waterfront setback.

Katie Cather introduced her request to construct a new deck in a location that did not meet the average setback of the existing waterfront homes in the vicinity of her lot. She mentioned that one home is over 1,000 feet from the waters edge and it throws the average setback calculation way off. Hill confirmed her statement and stated that her request is consistent with the homes that are built near the water north and south her lot.

Ketchum provided a summary of what was recently reviewed by the Planning Commission which included a waterfront accessory structure (deck near the water) and an accessory building on the interior of the lot.

Noren opened the public hearing. Since there was no public comment, Ketchum moved to close the public hearing with support from Mierle. Motion passed unanimously.

Ketchum moved to approve the authorization for the Cather residence as presented on the submitted site plan with support from Mierle. The Board reviewed the approval criteria in Section 356 of the Zoning Ordinance and came

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to consensus that the request was consistent with the approval criteria. The motion was approved unanimously.

5. Public Comment

There was no public comment.

6. Adjournment.

Brege moved to adjourn the meeting at 8:22 p.m. Mierle seconded the motion, which passed unanimously.

Respectfully submitted,

Doug Noren, Chair
Zoning Board of Appeals