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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
JANUARY 26, 2012 - REGULAR MEETING**

Present: Larry Mierle, Jack Ketchum, and Ginger Brege.

Absent: Doug Noren and George Postmus

Participants: Lukas Hill, Community Development Director

1. Call to Order.

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

2. Approval of Minutes.

Mierle moved to approve the minutes of the September 22, 2011 meeting. Brege seconded the motion, which passed unanimously.

3. Adopt Agenda

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

4. Ufer Variance Request – Front and Rear Yard Setback request from the R-1 District and bluff line setbacks at 18235 North Shore Estates Road. David Bos, representing the Ufers, presented the application and stated that this is classic case of restrictions due to the critical dune requirements of the State of Michigan. Bos explained that while he has not received the final permit from the DEQ, he was certain that the permit was to be issued soon which was illustrated via communications by the Michelle Hohn of the DEQ. Bos noted that the proposed placement of the home will not block waterfront views of the adjacent homes as the proposed home is basically being built on the same footprint. Bos clarified they are asking for a 10 foot setback from the right of way but the home may end up being 11 feet from the right of way. Bos stated that almost all existing vegetation will remain intact. Ketchum asked if there would be eaves on the home and Bos stated there would be as well as the “eyebrows” over the windows on the west side of the home to create better light in the home. Mierle stated the he wants to be sure that septic is located in the appropriate location. Bos explained that it took over a month to get health department approval. Ketchum questioned the position of the garage and Bos stated it was “bent” to avoid a steep dune area on the property.

Ketchum opened the public hearing. There was no public comment. Brege moved to close the public hearing. Ketchum supported and it passed unanimously. The ZBA discussed the variance review criteria in Section 112, I, 1 and found the variance request compliant with all of the criteria. Mierle moved to grant the Variance with the following conditions:

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- A. Comply with site plan presented by applicant;
- B. DEQ approval of home in presented location;
- C. Copy of foundation survey provided to the township prior to continuing with construction; and
- D. The applicant comply with all verbal representations.

Seconded by Brege. All in favor - motion passed unanimously.

5. **VanDam Waterfront Determination** - James and Susan Van Dam, represented by Mark Oppenhuizen (Architect), have applied for a determination of the setbacks on a Waterfront lot at 15756 Willows Drive on Spring Lake. Hill stated that staff would not permit the proposed home location administratively because of an irregular shoreline and because it appears to block to the view of the home(s) to the east. It was staff's interpretation that the home should not be moved closer to the lake than the existing footprint. The applicant disagrees and therefore made this application which is permissible under Section 356 of the Zoning Ordinance.

Openhuizen presented his case and explained that the VanDam's have owned the home for 20 years. Openhuizen provided letters from the neighbors that they did not oppose the proposed footprint of the home. Ketchum reminded the applicant that there were only three ZBA members present and that all we need to vote affirmative for the determination to be approved and that he may request the item be tabled to future meeting which may have more members present. Hill noted that this process allows all setbacks to be determined so it is an option to reduce side and front yard setbacks as well. Openhuizen provided an overview of the request stating that trees block more of the view than the new house would. He stated that the neighborhood is evolving from a seasonal home area to more of year around residences. Mierle stated that the pie shape of the lot presents problems and that he would be more willing to offer side yard relief if the home was pushed north to reduce view blockage for the homes to the east. Oppenhuizen stated that the ZBA should not guess as to how the neighbors feel about the proposed layout. Mierle state that the line of site is the biggest issue and the ordinance clearly states that protecting the views of adjacent homes is a major part of the consideration. Mierle continued that the neighbors may be ok with the site plan, but may not understand what they will see when it is completed. Ketchum explained that the Planning Commission was working on new language with regard to waterfront setbacks that emphasizes the view protection from inside the home and not accessory structures such as open air decks. Ketchum continued that he would rather see the home pushed north and the side yard setback be reduced. Jim VanDam, owner of the subject lot, stated that there are significant challenges with the narrow lot and the design of the home they wish to build, which included making the home livable all on the main floor.

Ketchum opened the public hearing. VanDam added that the letters from his neighbors are important considerations. Mierle moved to close the public hearing. Brege supported the motion and it passed unanimously. Mierle stated that moving the home north is the preferred option without necessarily changing the footprint of the home. Ketchum and Brege concurred. Oppenhuizen requested clarification that if the home were brought into compliance with the ordinance then continuation of the determination hearing would no longer be needed. Hill and the ZBA concurred. Mierle moved to table the VanDam waterfront setback determination

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request until new plans were presented with the proposed home moved north in a manner to not block the views of the home(s) to the east. Seconded by Brege and it passed unanimously.

6. **Public Comment**

There was no public comment.

7. **Meeting Dates:** Ketchum moved to approve the 2012 regular ZBA meeting dates. Brege supported and it was passed unanimously.

8. **Adjournment**

Mierle moved to adjourn the meeting at 8:30PM with support from Brege. Motion passed unanimously.

Respectfully submitted,

Jack Ketchum, Chair
Zoning Board of Appeals