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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
August 23, 2012 - REGULAR MEETING**

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

Absent: None

Participants: Lukas Hill, 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 May 24, 2012 meeting. Postmus seconded the motion, which passed unanimously.

3. Adopt Agenda

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

4. Cassar - Variance request from rear yard setback at 15485 Howard Street.

Douglas Falzon, architect, representing the Eric Cassar, provided an overview of why the Cassar's desired the variance to build a new attached garage onto the existing house. The Cassar's just bought the home and prefer to keep the home single story in keeping with the character of the neighborhood. Falzon stated that since this is a waterfront home, the family will likely have many water toys to store and they would prefer to keep them inside. Falzon also stated that many homes in the neighborhood encroach on the rear yard setback and they would like the same right to do so.

Ketchum expressed his concern about the garage being so close to the right of way and asked if they would be interested in reducing the variance request. Falzon did not indicate interest in reducing the request as it would not allow cars to adequately park in the garage.

Noren noted that a letter from a neighbor, Kris Conrad, was not in support of the variance due to the potential congestion along Howard St.

Mierle state the garage would be pushed so close to the right of way that a car could not park in the driveway without being in the right of way. Postmus stated he that most of the old buildings were pre-existing nonconforming buildings that were built prior to the ordinances.

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Mierle stated that previous requests in this neighborhood have been turned down and that there was concern about the precedent that may be established if this request was approved. Mierle asked Falzon about the grade drop within the new garage and how it would match up with the driveway. Falzon stated that they would construct the new garage to accommodate the slope. Mierle stated that lack of storage is an adequate reason to grant a variance. Ketchum stated that he too lives on a small lot but stores many items off site due to lack of space. Ketchum stated that a small lot will naturally be restrictive to how much structure you can accommodate on site.

Noren opened the public hearing. Doris Ducy stated she had concerns about cars parking along the roadway and passage of heavy equipment. She stated that she likes the new homeowners very much but is concerned about cars on the roadway. Ketchum moved to close the hearing. It was supported by Mierle and passed unanimously.

Ketchum stated that there challenges with narrow roads in some neighborhoods that are often in found a Planned Unit Development setting. Postmus stated that snow plowing could be a challenge on Howard Street with the small cul-de-sac. Mierle again noted his concern with pushing parking onto the right of way and stated that Grand Haven Township doesn't allow people to park on the grass, which may not ever be a rule in Spring Lake Township. Postmus felt that to allow a variance in this situation would set a bad precedent and it would not be consistent with other Board of Appeals decisions in the past.

The Board of Appeals reviewed the six points in Section 112, I, of the Spring Lake Township Zoning Ordinance for determining a variance:

- a. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.

ZBA response: No, there are no extraordinary circumstances.

- b. The Variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a Variance.

ZBA response: No, it is for the preservation and enjoyment of a substantial property right.

- c. The Variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

ZBA response: Yes, it will impair the public interest.

- d. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.

ZBA response: Possibly

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- e. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.

ZBA response: This is a self-created issue.

- f. The enforcement of the literal requirements of this Ordinance would involve practical difficulties.

ZBA response: There enforcement of the ordinance would not result in practical difficulties.

Mierle moved to deny the proposed variance as presented as it did not pass the review criteria in section 112, I, of the Zoning Ordinance. Seconded by Postmus. Role call vote: All in favor of denial.

5. Public Comment

There was no public comment.

6. Adjournment

Mierle moved to adjourn the meeting at 7:50PM with support from Ketchum. Motion passed unanimously.

Respectfully submitted,

Doug Noren, Chair
Zoning Board of Appeals