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**SPRING LAKE TOWNSHIP  
ZONING BOARD OF APPEALS MINUTES  
August 22, 2013 – 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 June 27, 2013. Mierle seconded the motion, which passed unanimously.

**3. Adopt Agenda**

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

**4. Lamancusa – Waterfront Setback Request at 15490 Howard Street.**

Bernie Lamancusa explained that a new foundation was needed at their existing home. He stated they wish to move it 18 feet toward Petty's Bayou of Spring Lake as part of this process as well as move it closer to the existing right of way to the west. Lamancusa stated that they would also like to remove the existing garage and build a new attached garage. Mierle asked why they want to move the house. Lamancusa explained they would like more space to build a garage and shift the house west to give a little more space to their adjacent vacant lot. Mierle stated that the floodplain on their vacant lot could be limiting. Lamancusa stated that he understood that but would like to focus on the lot/house in question. Noren stated it would make sense to center the house on the lot to make it as conforming as possible. Ketchum stated that he does not have a problem with the line of site if the house was moved 18 feet closer to the water, but felt it should be centered on the lot and not pushed to the west. It was mentioned that the Lamancusa's did attempt to get the adjacent right of way vacated but the Township was not in favor it.

Noren opened the public hearing. Ross Vlietstra stated that he was happy that the property was being improved in the neighborhood. He stated that they own both lots and have the right to build on one and use or sell the other one as they wish. Jim Kuczma stated that he objected to the request as it does not require moving the house to fix or replace the foundation.

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He stated that he was concerned about the use of the right of way for a driveway and suggested that the two lots be combined and the house gets centered on the lot. Randy Purdy stated that he likes his line of sight, but questions what is fair to everyone. He stated that 18 feet towards the water isn't too far out of control, but shifting the house west towards his property was his main concern. Hill read four letters into the record that were supplied by adjacent landowners (see attached).

Noren moved to close the public hearing with support from Ketchum. Motion passed unanimously. Hill stated that setbacks would need to be determined in order for the applicant to replace the foundation of the existing nonconforming home. Mierle stated that is not a significant line of sight issue but would like the home centered on the lot and not pushed to the west. Ketchum stated there were a range of options, but felt the 18 feet request towards the lake and centering the lot was the best option.

The ZBA verbally reviewed all items in the review criteria in Section 356 of the zoning ordinance and found that the request met all of the standards necessary to approve the waterfront setback as long as the house was centered on the lot.

Ketchum moved to approve the waterfront setback request for as it complies with the review criteria in Section 356 of the Zoning Ordinance with the following conditions:

- a. The house shall be centered on the lot;
- b. The house may be moved 18 feet towards the water;
- c. The applicant will comply with all other applicable federal, state and local ordinances.
- d. The applicant will comply with all verbal representations.

Seconded by Brege. Role call vote: All in favor of approval.

#### **5. Wysong: Waterfront setback determination at 17869 Oakwood Dr.**

Brock Hesselsweet, architect representing the homeowners, stated that there was water damage to the house and it was a total loss. Hesselsweet stated they want to build a new house further away from the lake, remove the existing detached garage, and make the home more accessible for the owners. Hesselsweet stated that he was aware of the 25% lot coverage requirement and will make a few minor adjustments to meet this requirement. Hill stated this was a unique situation as the lot to the north was vacant and the subject lot was positioned in a unique situation in comparison to adjacent lots.

Noren opened the public hearing. Jim Walters, owner of the adjacent lot to the north, explained that he was concerned about the height of the structure and how it might affect his view for a future home on the site. Gretchen Garrison stated that she was concerned about how the new home will affect her yard and viewshed. Noren moved to close the public hearing with support from Ketchum. The motion passed unanimously.

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The ZBA verbally reviewed the criteria in Section 356 of the Zoning Ordinance and found that the request met all of the standards necessary to approve the waterfront setback. With that, Mierle made a motion to approve the request by Larry Wysong at 17869 Oakwood Drive to accept the waterfront setback and side yard setbacks as presented as they meet the standards of Section 356 of the Zoning Ordinance with the following conditions:

- a. The applicant will comply with any other local, state, and federal laws.
- b. The applicant will comply with all verbal representations.

The motion was seconded by Ketchum and it passed unanimously.

**6. Custer: Variance request from the rear yard setback at 18223 North Shore Estates Road.**

Ben Brinks, architect representing David and Karen Custer, stated that his clients are requesting a variance from the 50' rear yard setback in order to build an attached garage on the site. Brinks stated that this is in the critical dune areas and will require a special exception permit from the DEQ as it will impact steep slopes. Brinks stated that the DEQ could not issue the permit until the Township has made its decision on the variance. Mierle asked if they would be using docks planks on the garage floor. Brinks said yes. Postmus stated the area under the garage could be used for storage or possibly a guest suite. David Custer explained they were making the improvements primarily due to his wife falling ill and they wish to spend more time at the lake.

Noren opened the public hearing. There were no public comments. Brege moved to close the hearing with support from Ketchum. Motion passed unanimously.

The ZBA reviewed all of the review criteria in Section 112, I of the Zoning Ordinance and found that the application passed all of the approval criteria. With that, Postmus made a motion to approve the variance request by David and Karen Custer at 18223 North Shore Estate Road to construct a garage and covered walkway as presented as they meet the standards of Section 112, I, of the Zoning Ordinance. The following conditions apply:

- a. Approval for any structure in the road easement be obtained from the homeowners association.
- b. The applicant will comply with any other local, state, and federal laws.
- c. The applicant will comply with all verbal representations.

**7. Discussion:** The ZBA discussed the Fox waterfront authorization and questioned if the approval had expired.

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8. **Public Comment**

There was no public comment.

9. **Adjournment**

Ketchum moved to adjourn the meeting at 8:50 PM with support from Mierle. Motion passed unanimously.

Respectfully submitted,

Doug Noren, Chair  
Zoning Board of Appeals