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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
July 24, 2014 – REGULAR MEETING**

Present: Doug Noren, Jack Ketchum, George Postmus and Dean Vanderstelt.

Absent: Larry Mierle and Ginger Brege

Participants: Lukas Hill, Community Development Director

I. Call to Order

The meeting was called to order by Noren at 7:04 p.m.

II. Approval of Minutes

Ketchum moved to approve the minutes of the June 26, 2014 meeting. Postmus seconded the motion, which passed unanimously.

III. Adopt Agenda

Ketchum moved to adopt the agenda as written, except eliminate item IV Koster authorization. Noren seconded the motion, which passed unanimously.

IV. Koster Waterfront Authorization, 18201 N. Fruitport Road - deleted

V. Bricker Variance Request, 17960 West Spring Lake Road

Alan Branch presented the request for a variance for a wall that does not meet the waterfront setbacks or requirements of Section 348 of the Zoning Ordinance. He stated they removed an existing structure and replaced it with a new concrete wall. They did not move it, and made it the same height as it was before. The extra height is needed because of the steepness of the bank.

Ketchum asked if there was a zoning or building permit for the wall. Branch indicated he put the replacement of the wall on his soil erosion permit, but did not have a zoning or building permit.

Postmus asked if a retaining wall requires a permit. Hill indicated it was up to the building official to determine if one was necessary, but typically retaining walls taller than 4 feet require a permit.

Noren asked if the retaining wall was grandfathered in. Hill stated that once it was gone, they were starting again from scratch.

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Branch indicated they were planning to fill between the sea wall and the retaining wall, so the wall won't look as high. The north end is 8 feet tall, and the south end is 4 feet tall. After filling, the north end will be about 6.5 feet tall.

Ketchum asked if the measurements for consideration of the variance were before or after fill. Hill said it is reasonable to cover footings, and the exposed face is the important measurement. Ketchum indicated the 8-foot section is a structure as defined, and doesn't meet the setback requirements.

Branch stated they don't want to dig into the root structure of a large tree, because it belongs to the neighbor. Also, the wall is freestanding and doesn't need to tie into anything.

Noren asked about the purpose of the notch in the wall. Branch said it was the location of the original pump house, which they would like to rebuild in the future.

Noren asked about fence requirements. Hill said a railing is required if it's next to a "walking surface". He would recommend one even if it is not required by code.

Vanderstelt asked why the slope wasn't adjusted from the house. Branch said they were trying to prevent erosion, and the north side is too steep.

Vanderstelt stated the wall violates both the setback and height restrictions.

Ketchum stated that he has a lot of concerns, and sections 348 B2, 3 and 4, and D1, 2, 3 and 4 are affected.

Hill stated he has no input for the Board members, but he is concerned about retaining walls.

The public hearing was opened at 7:27pm.

John Sorber, who owns the property to the north, stated the wall abuts his existing wall and the large tree is on his property. He is concerned about aesthetics where the wall meets his property, and with erosion, because if there is erosion it will impact his property. He showed pictures of his wall to the Board members, and suggested a taper in the wall to meet his existing wall at 4 feet high. He stated the old wall was 4 feet high at his end. He said if the wall was tapered, textured and colored to blend in he would be ok with the wall.

Michael Reinhart, property owner to the south, sent a letter stating his agreement with Sorber that the wall should taper to meet Sorber's wall.

Motion by Noren, support by Ketchum, to close the public hearing at 7:32pm. The motion carried unanimously.

The Board reviewed the standards for variances, Section 112I of the Zoning Ordinance. They found that 112Ic, the variance will not be of substantial detriment to adjacent property, to be the only condition that warranted a yes answer.

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Ketchum stated that because the wall exceeds 4 feet, it's a structure and must meet setback and requirements for structures. He stated he has no problem with the location, but he has a problem with the height.

Motion by Ketchum, support by Postmus, to deny the variance as the structure does not meet Retaining Wall Standards A (height), B (setback) and E (preserving significant natural vegetation) of Section 348 of the Zoning Ordinance. In addition, a soil erosion study should be done, and a building permit should be obtained to cover repairs and modifications to the wall. With a roll call vote, the motion to deny passed unanimously.

V. Visockis Variance Request, 15481 Howard Street

Ed Visockis presented his request for a setback variance for his deck. He stated he bought the house in 2012. He originally planned to re-clad the deck, but the joists were rotted. He rebuilt the deck and extended it from the original footprint.

Noren asked if the request was for a 12-foot variance on one end, and an 8-foot variance on the other end. Hill stated that was correct.

Vanderstelt asked about the setback requirement for steps. Hill stated steps are exempt.

Vanderstelt asked about the definition of waterfront, because this property fronts to a manmade channel. Hill read the definition of waterfront from the Zoning Ordinance. He stated that they generally treat the waterfront of the manmade channel as if it were on Spring Lake.

Hill read a letter from Debbie Cassar who stated she feels the variance should be granted, because the deck does not impact the neighbors.

The public hearing was opened at 8:08pm. There were no comments offered. Motion by Noren, support by Ketchum to close the public hearing at 8:09pm. The motion carried unanimously.

The Board reviewed the standards for variances, Section 112I of the Zoning Ordinance. They found that conditions 112Ib, c and d warranted yes answers, but the others did not.

Motion by Ketchum, support by Postmus, to deny the variance based specifically on conditions 112I a (exceptional or extraordinary circumstances) and e (any exceptional circumstances are not self-created). Hill is directed to work with the property owner to minimize the amount of deck that must be removed to meet the setbacks. With a roll call vote, the motion to deny passed unanimously.

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VII. Zock Waterfront Authorization, 15866 Cherry Street

Sandy Zock stated they have an existing deck across the front of the house. They would like to replace the existing deck and enclose it as a screened-in porch. They would also like to put a balcony on top. They also own the lot between this lot and the waterfront, so the current lot isn't really waterfront. She showed the Board pictures of the existing property. She stated the screened porch would not impact the views of the neighbors.

Vanderstelt indicated he stood at the corner of the deck, and neighboring decks are all further out than this one.

The public hearing was opened at 8:42pm. There were no comments offered. Motion by Noren, support by Vanderstelt, to close the public hearing at 8:43pm. The motion carried unanimously.

The Board reviewed the standards for variances, Section 112I of the Zoning Ordinance. The found that all conditions warranted a yes answer.

Motion by Ketchum, support by Postmus, to approve the request for an 8-foot by 32-foot porch, and an 8-foot by 32-foot deck no higher than 10 inches at the high point in front of the porch. With a roll call vote, the motion to approve passed unanimously.

VIII. Adjournment

Ketchum moved to adjourn the meeting at 9:03pm with support from Noren. The motion passed unanimously.

Respectfully submitted,

Jack Ketchum, Vice Chair
Zoning Board of Appeals