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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
AUGUST 27, 2015 – REGULAR MEETING**

Present: Larry Mierle, Doug Noren, George Postmus, Dean Vanderstelt.

Absent: Jack Ketchum.

Participant: Lukas Hill, Community Development Director.

I. Call to Order

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

II. Approval of Minutes

Mierle moved to approve the minutes of the July 23, 2015 meeting. Postmus seconded the motion, which passed unanimously.

III. Adopt Agenda

Mierle moved to adopt the agenda with the removal of item VII, McAvincey. Postmus seconded the motion, which passed unanimously.

IV. Peterson – Setback Variances – 17685 North Shore Estates Road

Jim Peterson presented his request for dimensional variances. The request is a resubmittal of a request which was granted in 2014. However, due to delays with other permits, the Building and Zoning Permit applications were not able to be completed within the one-year time limitation. This request is the same as before, except the rear yard setback has been increased to ten feet as required by the North Shore Estates Association.

Vanderstelt asked if the front of the house had moved. Peterson stated that the front was in the same place as with the last request.

Postmus asked if there were any letters received from the neighbors or the neighborhood association. Hill stated there was nothing received. Peterson stated he has received a permit from the neighborhood association.

The public hearing was opened at 7:07pm. No comments were received. Motion by Mierle, support by Postmus, to close the public hearing at 7:08pm. The motion was approved.

The Board reviewed the standards in Section 112 I for a dimension Variance.

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Motion by Postmus, support by Vanderstelt, to approve the variance request by James Peterson of 17685 North Shore Estates Road for a new single family dwelling as presented as they meet the standards of Section 112I of the Zoning Ordinance. The following conditions apply:

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

With a roll call vote, the motion passed unanimously.

V. Moe – Accessory Building Authorization – 15346 State Road

Eric Moe presented his request for an authorization to construct an accessory building that is 30 x 50 feet (1500 square feet plus 320 square feet of eaves for a total of 1820) and 17 feet tall. The maximum area of an accessory building to be built “by right” in the R-2 District on a property greater than one acre is 960 square feet. The subject property is approximately 10 acres. The proposed location is 20 feet off the current drive and 43 feet off the nearest property line. Moe stated he talked to four of his five neighbors and they all approved of the building. The other neighbor was not able to be reached. He stated he currently has two 10 x 12 sheds that he would like to keep if possible.

Hill stated that the R-2 zoning allows for two buildings by right, but that could be increased to three if the Board approves. The ZBA may consider the size, height and total number of buildings in the authorization.

The public hearing was opened at 7:36pm.

David Rumpel, 15324 State Road, stated he is the closest neighbor. He stated he can't really see the Moe house and prefers the proposed location for the garage because he won't be able to see it. He fully approves of the building as proposed, and doesn't mind the additional outbuildings.

Postmus asked how many trees would be removed. Moe stated he would only remove as many trees as necessary to fit the building, and would plant additional evergreens behind the garage.

Motion by Noren, support by Mierle, to close the public hearing at 7:41pm. The motion was approved.

After discussion, the board members agreed with the Hill determination that the proposed location was not in the front yard of the residence.

Vanderstelt stated that the Zoning Ordinance is general, and the ZBA considers unique circumstances. This is unique, with a long drive and large, wooded lots.

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The Board reviewed the criteria in Section 306F.

Motion by Mierle, support by Postmus, to approve the Moe accessory building request to construct a 1820 square foot building and allow a total of 2016 square feet of accessory buildings as it generally meets the criteria in Section 306 F of the Zoning Ordinance with the following conditions:

- a. The accessory building shall be built in compliance with the submitted site plan. The accessory building may be reduced in height or area without further ZBA review.
- b. The applicant will comply with any other local, state, and federal laws.
- c. The applicant will comply with all verbal representations.
- d. Three total buildings are permitted.
- e. The property shall not be divided unless the 1820 square foot accessory building is removed.

With a roll call vote, the motion passed unanimously.

VI. Volkema – Accessory Building Authorization – 19102 Rosemary

Douglas DeHaan, DeHaan Builders, presented the proposal for an accessory building that is 1068 square feet. The request for additional height was withdrawn, as the building was re-designed to meet the 20-foot height requirement. The property is 1.56 acres on Spring Lake. The proposed building will be covered in the same reclaimed brick as the house. The building is set back into the woods to minimize the impact. The total size includes the eaves and a 44 square foot covered porch. The larger overhangs are requested so that gutters are not necessary.

Vanderstelt asked about the height, and whether the cupola needs to be included in the total height. Hill stated that structures such as cupolas and chimneys are not included.

Brian Leibrandt, Parmenter O'Toole, stated their firm put together the supplement addressing the request, and he was available if there were any questions.

Postmus asked if there were any covenant restrictions on accessory buildings. DeHaan stated that the covenants reference the Township standards.

The public hearing was opened at 8:12pm. No comments were received at this time. Hill stated a letter was received from Jean Snowden who offered her full support for the building. Motion by Mierle, support by Postmus, to close the public hearing at 8:13pm. The motion was approved.

The Board reviewed the criteria in Section 306F.

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Motion by Mierle, support by Postmus, to approve the Volkema accessory building request to construct a 1068 square foot building as it generally meets the criteria in Section 306 F of the Zoning Ordinance with the following conditions:

- a. The accessory building shall be built in compliance with the submitted site plan. The accessory building may be reduced in height or area without further ZBA review.
- b. The applicant will comply with any other local, state, and federal laws.
- c. The applicant will comply with all verbal representations.

With a roll call vote, the motion passed unanimously.

VII. McAvincey – Accessory Building Authorization – Deleted

V. Adjournment

Mierle moved to adjourn the meeting at 9:20 p.m. with support from Noren. The motion passed unanimously.

Respectfully submitted,

Doug Noren, Chairperson
Zoning Board of Appeals