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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 24, 2015 – REGULAR MEETING**

Present: Jack Ketchum Larry Mierle, George Postmus, Dean Vanderstelt.

Absent: Doug Noren.

Participant: Lukas Hill, Community Development Director.

I. Call to Order

The meeting was called to order by Ketchum at 7:01 p.m.

II. Approval of Minutes

Mierle moved to approve the minutes of the August 27, 2015 meeting. Vanderstelt seconded the motion, which passed unanimously.

III. Adopt Agenda

Mierle moved to adopt the agenda as presented. Ketchum seconded the motion, which passed unanimously.

IV. Reinhart – Accessory Building Authorization – 17890 W. Spring Lake Road

Mike Reinhart was not able to be present at the meeting due to a medical condition. Hill briefly presented the request. He stated that the Township Attorney recommended holding the public hearing in case there were people present who would not be able to make another meeting. The Reinhart authorization request has been before the Planning Commission, but with the ordinance change it is now being heard by the ZBA. Many changes to the request have been made during the process with the Planning Commission. The applicant is requesting that the current request be tabled until the October ZBA meeting.

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.

Motion by Ketchum, support by Mierle, to table the Reinhart request until further notice. With Postmus abstaining, the motion was approved.

DRAFT

V. Betten – Accessory Building Authorization – 18301 N Fruitport Road

Bryan Betten presented his request for an accessory building larger and taller than permitted by right. They are requesting a 1288 square foot building, plus eaves. The lot is 4.3 acres. Discussions with neighbors indicated they would prefer covered storage.

Douglas DeHaan, builder, added information that they are only asking for a larger building, as the height of the building is less than 20 feet in the front. This building will be a walk out due to the location. The building will match the house in design.

Postmus asked if it was in front of the front line of the house, and how much fill will be added. DeHaan stated that it's behind the front line, and that they have removed 7000 cubic yards of soil. They don't anticipate removing any additional material.

Ketchum asked how the height of the building was determined. Hill stated that it was determined based on the peak height from grade. On a hill, the height is calculated as the average of the front and back heights. For this building, the height is approximately 23 feet.

Postmus asked about the presence of floor drains. DeHaan stated that there were floor drains. They are planning to have a sink with water installed.

Mierle asked if there will be a bathroom. DeHaan stated that there will not be a bathroom.

Vanderstelt asked about the square footage calculation, and if it included the lower level. Hill stated that it only included the main floor, but that the eaves were included. This means the total size of the building is 1532 square feet.

Ketchum asked if there was a creek on the property. DeHaan stated it was seasonal runoff flow, and that MDEQ did not require a permit.

Ketchum asked how the path would be stabilized. DeHaan stated that they had not made a final determination, but that the path would be stabilized.

The public hearing was opened at 7:29pm. No comments were received. Motion by Ketchum, support by Mierle, to close the public hearing at 7:30pm. The motion was approved.

Hill read letters that were received from the neighbors on each side.

Scott Pranger, 2825 Judson, stated he prefers covered storage and approves of the proposed garage.

Tom Schlender, 16000 Highland, stated he is in favor of the proposed garage.

The Board reviewed the criteria in Section 306F.

DRAFT

1. Motion by Postmus, support by Ketchum, to approve the Betten Authorization request to construct a 1532 square foot accessory building at 27 feet tall (as measured from the basement grade) at 2805 Judson Road with the following conditions:
 - a. The accessory building generally meets the criteria in Section 306F of the Zoning Ordinance.
 - b. The accessory building shall be built in compliance with the submitted site plan and elevation drawings. The accessory building may be reduced in height or area without further review by the Zoning Board of Appeals.
 - c. The accessory building shall be used for personal storage only.
 - d. The applicant will comply with any other local, state, and federal laws.
 - e. The applicant will comply with all verbal representations.

With a roll call vote, the motion passed unanimously.

VI. Sheldon – Variance Request to Reduce Front Yard Setback – 17409 Lake Beach Dr.

Norman Dodds, architect, presented the request representing the Sheldons. He gave the ZBA members additional material for clarification. He stated that the house was lined up with the neighbors to minimize the impact on the views, using the general criteria for lakefront lots. The location will open up the view for the house to the east.

Hill stated that the Lake Bach Dr. easement extends across the entire front of the lot.

Mierle asked if they owned boat lots, or if they owned all the property across the street easement. Dodds stated they owned all the property.

Postmus asked about the height of the house. Dodds stated they will meet the height requirements. The garage will be at the lowest level. The new house will be one foot above the existing drive.

Postmus asked about lot coverage. Hill stated that they meet the 25% coverage limit including the lots on both sides of the street.

Vanderstelt stated that the boat lots have a separate parcel number, and wondered whether it was appropriate to include both parcels. Hill stated that the interpretation is that boat lots are unbuildable and won't be separated.

The public hearing was opened at 7:52pm.

Scott Harestad, 15630 View Dr., stated he was the listing agent for this property. He stated that there are some lots that have easements that they can use as one piece. The current house needs to be removed. The proposed house will open the views for the neighbors, and he approves of the proposal.

DRAFT

Howard Paulson, 17413 Lake Beach Dr., the neighbor to the east, stated he appreciates the design because it opens views from his house. He approves of the new house.

Joy Hazlett, 17401 Lake Beach Dr., the neighbor to the south, stated that she appreciates that they will build a nice house. She will lose some views from her north windows, but she stated she was expecting that. She wants the street easement to remain grass.

Hill read letters that were received.

Jack DeBruin, 17459 Lake Beach Dr., stated he does not approve of the proposed house.

Mr. Novak, 17451 Lake Beach Dr., stated that he was not allowed to extend his deck, and therefore does not approve of this variance.

Motion by Ketchum, support by Postmus, to close the public hearing at 8:06pm. The motion was approved.

The Board reviewed the criteria in Section 112I.

1. Motion by Ketchum, support by Mierle, to approve the Sheldon variance request at 17409 Lake Beach Drive to reduce the front yard setback to four feet as depicted on the site plan with the following conditions:
 - a. The dwelling generally meets the criteria in Section 112 I of the Zoning Ordinance.
 - b. The dwelling shall be built in compliance with the submitted site plan.
 - c. The applicant will comply with any other local, state, and federal laws.
 - d. The applicant will comply with all verbal representations.
 - e. The lots will be merged, or the titles will be burdened so the lots cannot be sold separately, prior to obtaining an occupancy permit.

With a roll call vote, the motion passed unanimously.

VII. Adjournment

Ketchum moved to adjourn the meeting at 8:25 p.m. with support from Vanderstelt. The motion passed unanimously.

Respectfully submitted,

Jack Ketchum, Acting Chairperson
Zoning Board of Appeals