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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
OCTOBER 27, 2016 – REGULAR MEETING**

Present: Jack Ketchum, Doug Noren, Larry Mierle, George Postmus

Absent: Tom TenCate, Dean Vanderstelt

Participants: Ron Bultje, Township Attorney

I. Call to Order

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

II. Approval of Minutes

Ketchum moved to approve the minutes of the August 25, 2016 meeting as presented. Mierle seconded the motion, which passed unanimously.

III. Adopt Agenda

Ketchum moved to adopt the agenda with the addition of VII. 2017 Meeting Dates. Noren seconded the motion, which passed unanimously.

IV. Tamburello– Variance Request – 15540 Howard Street

No representative was present to discuss the variance request. The item remains tabled.

V. Penney – Variance Request – 19089 N. Fruitport Road

Randy Ross, builder, presented the Penney request for an addition to the existing house. There is currently an enclosed porch on the back of the house which is having structural problems. The proposal is to remove this porch and add a master bedroom. The addition will bring the house closer to the lot line, and the request is for a 16 foot 2 inch setback.

Ross handed the Board an updated site plan which shows that the site is comprised of three parcels with a right-of-way dividing the parcels. This site plan also more-accurately depicts the

DRAFT

location of the septic tank. He also handed the Board pictures of the existing house to indicate where the addition would be placed.

The rear of the house was chosen to avoid the driveway to the east and the septic system to the west. Because of the right-of-way, there is no room to expand toward the front of the house.

Postmus asked how the parcels are handled on the tax rolls. Ross indicated that the owners pay three tax bills for the parcels. Nobody is currently using the right-of-way.

Ketchum stated that the existing house is legally non-conforming, and the request is to increase the non-conformation.

Postmus asked if there were any letters from the neighbors. Ross stated they have spoken to the neighbors and they are not opposed to the addition but that there are no letters.

Mierle stated that he believed the addition would not create any obstruction to a view or traffic.

The public hearing was opened at 7:18pm.

Rebecca Penney, 19089 N. Fruitport Rd, stated that she has discussed the addition with the neighbors, and that they didn't send a letter because they were under the impression from the notice that they received that they only needed to write if they objected.

Gordon Penney, 19089 N. Fruitport Rd, stated that he would really like a bedroom on the main floor so he doesn't need to navigate the stairs.

Board members reviewed the authorization criteria for a variance, and found by consensus that all of the factors in Section 112.I of the Zoning Ordinance were satisfied. Motion by Noren, support by Ketchum, to close the public hearing at 7:20pm. The motion passed unanimously.

Board members reviewed the authorization criteria for a variance.

Motion by Mierle, support by Postmus, to approve the rear yard setback reduction to 16 feet 2 inches as proposed on the site plan for 19089 N. Fruitport Rd with the following conditions:

- a. The application meets all criteria in Section 112 I of the Zoning Ordinance.
- b. The applicant will comply with all verbal representations as recorded in the minutes of this meeting.
- c. The applicant will comply with the application materials and all supplemental documents submitted.

A roll call vote was taken. With a unanimous vote, the motion passed.

DRAFT

VI. Harvey – Waterfront Setback Determination – 15760 Willows Drive

Andy Stroup, builder, presented the request for a 70 foot 6 inch waterfront setback. The plans submitted were based on approvals which were granted in 2009 and provided to the builder by Lukas Hill. After further review, it was determined that the waterfront setback was not determined in 2009, and that the determination method has changed since then.

Bultje asked what the current waterfront setback is. Stroup stated that it is about 96 feet, and they are asking for approximately 70 feet.

The public hearing was opened at 7:40pm.

Randy Shanker, 15756 Willows, the neighbor to the east, stated that he had submitted a letter opposing the plans because his view would be significantly blocked.

Mike Pokrywka, 15764 Willows, the neighbor to the west, stated that the house wouldn't impact his view as much and that he is in favor of the plans.

David Harvey, property owner, stated that he understands the concerns about moving the house toward the lake and is willing to work with the neighbors to choose a location that minimizes the impacts.

Ketchum stated that the ZBA needs to maintain the line of sight for the neighbors and that the house will be a large structure that will intrude on the view.

Mierle asked if the house could be moved toward the street, and whether the proposed house could fit on the lot if it met the setback of the current house. Stroup stated that it could fit, but it would significantly encroach on the side yard setbacks.

Postmus asked if the neighbors would have to move the garages near the road if the house were moved closer to the road. Stroup stated they would not need to move them.

Mierle asked Bultje if the side yard setbacks could be addressed at this meeting. Bultje stated that the notice was specifically for the waterfront setback, so the side yard setbacks could not be addressed.

Ketchum stated that the current house extends 11 feet past the current allowed waterfront setback.

The Board stated that they are not inclined to allow the house to be moved any further toward the lake and that they need to consider the line of sight for the houses on each side.

DRAFT

Stroup asked if the waterfront setback determination should be measured from the foundation with the deck on it for the house to the east. Postmus stated that yes, that location would be a fair measurement.

Motion by Ketchum, support Mierle, to close the public hearing at 8:10pm.

Motion by Ketchum, support by Noren, to table the application with instruction to the Community Development Director to notice a public hearing to address both side yard and waterfront setbacks. With a unanimous vote, the motion passed.

VII. 2017 Meeting Dates

Motion by Mierle, support by Ketchum, to approve the 2017 ZBA Meeting Dates as presented. With a unanimous vote, the motion passed.

VI. Adjournment

Mierle moved to adjourn the meeting at 8:14 p.m. with support from Ketchum. With a unanimous vote, the motion passed.

Respectfully submitted,

Jack Ketchum, Secretary
Zoning Board of Appeals