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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
FEBRUARY 22, 2018 – REGULAR MEETING**

Present: Jack Ketchum, Larry Mierle, George Postmus, Tom TenCate, Rachel Terpstra
Absent: Doug Noren
Participants: Lukas Hill, Community Development Director

I. Call to Order

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

II. Approval of Minutes

Terpstra moved to approve the minutes of the December 7, 2017 meeting as presented. TenCate seconded the motion, which passed unanimously.

III. Adopt Agenda

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

IV. Baker – Accessory Building Variance and Authorization – 17981 North Shore Estates

Norman Dodds presented the request. There are two separate requests. One request is to reduce the rear yard setback and requires a 4.6 foot variance. The other request is to increase the side wall height on the accessory building to 13 feet.

Dodds stated that they have provided a letter from the neighborhood association approving the setback request. They have also provided a DEQ permit for dune construction.

The setback variance of 4.6 feet is required because there has to be 10 feet between the house and the accessory building. If a line is drawn between the corners of the neighboring houses, the accessory building will be in line with the existing structures.

The side wall variance will allow for more storage, and will be a nice step down from the 24-foot tall house. The accessory building will have a flat roof to match the house.

Terpstra stated that the total height would be well below the allowed height.

Hill stated that the Township has received the association permit and the DEQ permit.

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Postmus asked if the current garage is attached. Dodds stated that there is no garage now.

Mierle stated that water runoff will need to be managed. Dodds stated that there are DEQ requirements that will have to be met. Josh Baker, owner, stated that there are drains on the roof that will connect into a gutter and drainage system.

Postmus asked about tree removal. Dodds stated that they are removing about four trees. DEQ will require replanting of trees.

Ketchum asked for clarification on the location of stakes on the site. Dodds stated that the surveyors placed the stakes based on the original application, but the accessory building has been moved to be 10 feet from the house. The west stakes are correct, but the east stakes need to be moved two feet.

Postmus asked if there would be heat and water in the building. Dodds stated there were no plans for that. Hill stated that there are no restrictions on a bathroom or heat in an accessory building.

Ketchum asked where the water from the roof drains goes. Dodds stated that it is directed into a settling basin.

Postmus asked if any letters from the neighbors were received. Hill stated there were no letters.

The public hearing was opened at 7:15pm. There were no comments. Motion by TenCate, support by Mierle, to close the public hearing at 7:16pm. The motion passed unanimously.

Postmus asked if the proposed accessory building would still allow the lot coverage standard to be met. Hill stated that it would.

Commissioners reviewed the criteria from in Section 112 I for a dimensional variance for the rear yard setback variance. Condition 6, stating that the enforcement of the literal requirements of this Ordinance would involve practical difficulties, required discussion. Ketchum stated that the garage could be attached to the house and a variance would not be required. Terpstra stated that if the garage is attached, a bedroom would be lost which is significant.

Motion by Mierle, support by Terpstra, to approve the Baker dimensional variance request at 17981 N. Shore Estates Road to allow an accessory building to be constructed a minimum of 15.4 feet from the rear lot line as depicted on the site plan dated 12-27-17 as it meets the review criteria in Section 112, I, of the Zoning Ordinance with the following conditions:

1. The applicant complies with all written representations to the Township, and all verbal representations as reflected in these minutes.
2. The applicant complies with all applicable state and local laws, including the Michigan Department of Environmental Quality.

A roll call vote was taken. The motion passed unanimously.

Commissioners then discussed the authorization request for the 13-foot sidewall height.

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Terpstra stated that she believes the intent of the ordinance is to keep the overall height of an accessory building less than 20 feet. With a flat roof this building meets the requirement.

Hill stated that five new evergreens are proposed to help buffer the appearance of the accessory building. Dodds stated that they would be 6-foot to 8-foot tall Douglas firs.

Commissioners reviewed the criteria in Section 306 F.

Motion by Terpstra, support by Postmus, to approve the Baker authorization request to construct an accessory building at 17981 N. Shore Estates Road with a sidewall height of 13 feet as it meets all of the applicable criteria in Section 306, F of the Zoning Ordinance with the following conditions:

1. The applicant complies with all written representations to the Township, and all verbal representations as reflected in these minutes.
2. The applicant complies with all applicable state and local laws, including the Michigan Department of Environmental Quality.

A roll call vote was taken. The motion passed unanimously.

V. Rajski – Accessory Building in the Front Yard – 18300 168th Ave

Molly Rajski presented the request for a variance to allow an existing accessory building to remain in the front yard of a new home. The topography of the site doesn't allow for building the house in front of the accessory building. Also, the selected site allows for the removal of the fewest trees.

The proposed site is the high point of the site. The County has sited the septic system behind the proposed building location. The house is proposed to be offset so the accessory building will be to the side of the house, rather than directly in front.

Postmus asked if the sale of the lot was contingent on the ZBA decision. Rajski stated it was.

Mierle asked about the driveway. Rajski stated that there is an existing easement for the Hubbard house at 18260 168th St. They have a letter about shared maintenance.

TenCate asked about whether there would be a basement and what the height would be. The Rajski's builder stated that there would be an 8-foot basement, but he would only be digging three to four feet down.

TenCate asked about the height of the accessory building related to the house. The builder stated that the floor of the accessory building would be about even with the basement floor.

Mierle asked about the lot split, where there will be an accessory building without a house. Hill stated that the building permit would be issued and financial assurance would be required at the time of the split.

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Mierle asked if there was a plan to use municipal water. Rajski stated that they would prefer to use a well. Hill stated that it is optional to attach to municipal water. There is no sewer in the area that would require attachment.

The public hearing was opened at 7:51pm. There were no comments. Motion by Postmus, support by TenCate, to close the public hearing at 7:52pm. The motion passed unanimously.

Hill stated that the Zoning Ordinance has changed since the existing accessory building was approved. The building would currently be a conforming size.

Postmus asked about the number of splits. Rajski stated that the current owner would like three splits. Hill stated that the splits do not have to happen at the same time.

Commissioners reviewed the criteria for an accessory building variance.

Motion by TenCate, support by Terpstra, to approve the Rajski dimensional variance request at 18300 168th Ave to allow an accessory building in a front yard as depicted on the provided site plan as it meets the review criteria in Section 112, I, of the Zoning Ordinance with the following conditions:

1. The applicant complies with all written representations to the Township, and all verbal representations as reflected in these minutes.
2. The applicant must comply with all applicable state and local laws.
3. Work on the house will be substantially under way within 18 months of receiving ZBA approval.

A roll call vote was taken. The motion passed unanimously.

VI. Adjournment

Ketchum moved to adjourn the meeting at 8:11pm with support from Postmus. With a unanimous vote, the motion passed.

Respectfully submitted,

Jack Ketchum, Secretary
Zoning Board of Appeals