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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
AUGUST 22, 2019 – REGULAR MEETING
BARBER SCHOOL, 102 W EXCHANGE, SPRING LAKE MI**

Present: Ellen delaRosa-Pearn, Jack Ketchum, Larry Mierle, George Postmus, Tom TenCate
Absent: Rachel Terpstra
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

Postmus moved to approve the minutes of the May 23, 2019 meeting as presented. TenCate seconded the motion, which passed unanimously.

III. Adopt Agenda

TenCate moved to adopt the agenda with the addition of VII Commissioner Comments. DelaRosa-Pearn seconded the motion, which passed unanimously.

IV. Public Comment

A time for public comment was provided. There were no comments.

V. Bosker – Setback Variance – 19083 N Fruitport Road

Chris Bosker presented the request for a 30-foot by 10-foot addition. The addition would have a 24x10 screened section and a 6x10 open deck. The addition would extend off the existing deck and would not be closer to the lot line. The deck is 28 feet from the lot line, but the required setback is 30 feet.

DelaRosa-Pearn asked about deck footings and flooring for the addition. Bosker stated that the deck would be on posts. The 6x10 deck would be deck boards. The rest of the addition would have a plywood floor with carpeting.

Postmus asked if the existing deck would be rehabilitated. Bosker stated that nothing would change on the existing deck.

TenCate asked if the 24x10 room would be enclosed. Bosker stated it would just be screened.

Postmus asked if there would be a dormer roof over the whole addition. Bosker stated that the roof would only extend over the screened area.

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DelaRosa-Pearn asked if Bosker had spoken with the neighbor to the south. Bosker stated that he had, and that the neighbor had no objections. The neighbor was out of town and had planned to send a letter. Hill stated that no letters were received.

The public hearing was opened at 7:14pm. There were no comments. Motion by TenCate, support by Postmus to close the public hearing at 7:15pm. The motion was approved unanimously.

DelaRosa-Pearn asked Hill about the lot coverage standards. Hill stated that the lot coverage would be within the allowed 40%.

Commissioners considered the criteria for granting a variance.

Motion by delaRosa-Pearn, support by Mierle, to approve the Bosker variance request at 19083 N. Fruitport Road to construct a new porch as presented as the application meets all criteria in Section 112, I, of the Zoning Ordinance with the following conditions:

- a. The enclosed area will remain as a screened porch with no solid walls, including windows.
- b. The applicant will comply with all written and verbal representations.

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

VI. Vanneste – Accessory Building Authorization and Retaining Wall Variance – 17626 Oakwood

Michael Paré of Blue Water Pools, the general contractor, presented the request for waterfront accessory structures and a dimensional variance related to retaining walls. As part of the request, Paré provided additional material to Commissioners.

The proposed project includes an in-ground pool, an overlook deck, a pergola and a shed down the slope at the lake. The shed is within the 50-foot waterfront setback, but the other structures are behind the 50-foot line. There is significant erosion on the property, and preliminary engineering by GeoWall Designs found that three 8-foot tall retaining walls would be best for stabilizing the slope.

Ketchum stated that the material presented requested four 6-foot tall walls. Paré stated that three 8-foot walls or four 6-foot walls still results in 24 feet of wall. The three-wall option is preferred.

Paré stated that five trees will need to be removed. They will remove the trees but leave the root system in place to stabilize the slope. The trees will be removed from the top of the slope. A letter from Peterson Environmental, Inc., concluded that the method of tree removal and retaining wall design proposed should avoid impacting neighboring properties and result in a stabilized bluff. Driesenga and Associates will design the stormwater and grading plan.

Ketchum stated that the height of the pergola is not given in the submitted materials. The requested deck is 324 square feet, and the requested pergola area is 992 square feet, both of which are much larger than the permitted 144 square feet.

Ketchum stated he is concerned about the height of the pergola in the viewshed. Paré stated that the base of the pergola will be at the same elevation as the back of the house. The height is 11 feet. The neighboring property is about 1 foot higher than the top of the pergola. Currently the neighbor's view is blocked by the trees. The retaining wall behind the pergola will be at grade.

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DelaRosa-Pearn agreed that the trees block the view, but there is a difference between trees and a structure to look at. Paré stated that evergreens are not currently proposed, but could be planted to block the view of the structure. Scott Spear, designer from Blue Water Pools, stated that the pergola is designed to sit low enough not to block water views. If it is designed properly, the neighbor will see the existing deck before seeing the pergola.

TenCate asked if any vegetative matter was going to be added to the pergola. Spear stated that it is not in the plan.

Postmus asked about the elevation change from the water to the grassy area by the house. Paré stated it was 34 feet.

TenCate asked about blocking the view of the retaining walls from the lake. Paré stated they are using a Rosetta Stone product, which has planters included. The intent is to have plant material covering the stone. Elliot Rudert from Rosetta Stone stated that there are various sizes of stone to allow for straight lines. The base of the walls will be clean crushed limestone. The stone resembles natural stone.

Ketchum asked about the size of the openings in the pergola. Paré stated they were about 3 feet by 3 feet.

The public hearing was opened at 7:57pm.

Paul Winter, representing Karen Hill, 17628 Oakwood, the homeowner to the east, stated that there were several concerns with the project:

1. There is concern about the survey presented with the packet being incorrect. A different survey was presented. Also, an aerial from Ottawa County GIS was presented. In addition, there was concern about the setbacks presented, especially if they were based on an incorrect survey.
2. There is concern about tree removal causing erosion on the Hill property.
3. There is concern about the pergola affecting the view. Also, pine trees will block the view.
4. The homeowner would like to see the erosion control plans prepared for the applicant.

Karen Hill, 17628 Oakwood, stated she thinks the plans look good, but she is very concerned about the tree removal. She would rather look at the trees than at the pergola.

Donna Vanneste, 17626 Oakwood, stated that the plans had been discussed with the neighbors. She is also concerned about erosion, and really wants to stabilize the slope. They are willing to share their erosion plan with Karen Hill.

Jeff Vanneste, 17626 Oakwood, stated that he has tried to work with the neighbors to handle the erosion.

Motion by TenCate, support by Mierle, to close the public hearing at 8:13pm. The motion was approved unanimously.

Hill stated that survey matters are civil matters, and that the Township accepts materials as presented. Also, the Ottawa County GIS system is not intended to serve as a survey. In addition, no letters or emails were received on this matter.

Paré stated that they will be lowering the grade where the pergola will be installed. The top of the pergola will not be higher than the existing grade. The pergola will be 16 feet off the lot line. The floor of the pergola will be permeable pavers.

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TenCate asked how long it takes for vegetation to grow on the walls. Rudert stated that higher walls mean there is more setback at the top of the wall so there can be deeper root structures and larger plants. Also, the wall is designed to have plant material include in the wall.

Eric Rosendall, from Rosetta Stone, stated that they don't want to remove soil on the slope. They will be using soil nails with a spreading end – no soil will be removed, and all soil will be retained.

TenCate asked where the retaining wall will terminate. Paré stated it will terminate 16 feet from the lot line.

Rosendall stated that they will be using the MSU Extension book, Natural Shoreline Landscapes on Michigan's Inland Lakes: Guidebook for Property Owners, to determine which plants are appropriate to select. The intent is to find native plants with deep roots to help stabilize the slope. The wall will take about three months to construct. The wall nearest the lake will be constructed from a barge. The other walls will be constructed from the top of the bluff.

Public comment was reopened at 8:42pm.

Winter asked if the trees would be removed if the variance for the retaining walls was granted.

Paré stated that the homeowner should be able to remove the trees at will, whether this project progresses or not.

Karen Hill stated she is still concerned about the tree removal and the beauty of the existing trees.

Motion by Mierle, support by TenCate, to close the public hearing at 8:47pm. The motion was approved unanimously.

Commissioners reviewed the criteria for a variance for the retaining wall.

Commissioners discussed the height of the wall. An 8-foot wall has an 8-foot step back, with 6 feet of planting area. A 6-foot wall has 4 feet of planting area. DelaRosa-Pearn stated that it is important to have sufficient space at the top of the wall to allow for maintenance of the plants.

Motion by Postmus, support by TenCate, to approve the Vanneste variance request at 17626 Oakwood Drive to construct 6-foot high retaining walls as the application meets all criteria in Section 112, I, of the Zoning Ordinance with the following conditions:

- a. The applicant will comply with all written and verbal representations.
- b. The applicant will submit a landscape plan for the September ZBA meeting.

A roll call vote was taken. Postmus and TenCate voted in favor. Mierle, delaRosa-Pearn and Ketchum voted against. The motion failed.

Motion by delaRosa-Pearn, support by Mierle, to approve the Vanneste variance request at 17626 Oakwood Drive to construct 8-foot high retaining walls as the application meets all criteria in Section 112, I, of the Zoning Ordinance with the following conditions:

- a. The applicant will comply with all written and verbal representations.
- b. The applicant will submit a landscape plan for the September ZBA meeting.
- c. The wall and landscaping plan must include irrigation for the plant material on the wall.

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A roll call vote was taken. Postmus and TenCate voted against. Mierle, delaRosa-Pearn and Ketchum voted in favor. The motion was approved.

Commissioners then discussed the shed at the bottom of the slope. Paré stated the shed will be 10x10x10, and the existing building will be removed.

Hill stated the shed must be at least 10 feet from the side lot line, but that there is no required setback from the water. Paré stated that Peterson Environmental indicated the shed would be out of the flood plain as presented. Hill stated that the height of the shed would be measured from the existing grade.

Motion by Mierle, support by delaRosa-Pearn, to approve the Vanneste request at 17626 Oakwood Drive to construct a waterfront accessory shed as presented (10x10x10) as the application meets all criteria in Section 306, I, 5, of the Zoning Ordinance with the following conditions:

- a. The applicant will comply with all written and verbal representations.

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

Motion by Postmus, support by TenCate, to table action on the pergola and deck for more information. A roll call vote was taken. The motion was approved unanimously.

VII. Commissioner Comments

Commissioners discussed various properties in the Township that appear to be out of compliance with ordinances. Hill will follow up with the Code Enforcement Officer.

VIII. Adjournment

Mierle moved to adjourn the meeting at 9:34pm with support from TenCate. With a unanimous vote, the motion passed.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals