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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
SEPTEMBER 26, 2019 – REGULAR MEETING
BARBER SCHOOL, 102 W EXCHANGE, SPRING LAKE MI**

Present: Ellen delaRosa-Pearn, Jack Ketchum, Larry Mierle, George Postmus, Tom TenCate,
Rachel Terpstra
Absent: None
Participant: Ron Bultje, Township Attorney

I. Call to Order

The meeting was called to order by Ketchum at 7:04 p.m.

II. Approval of Minutes

Mierle moved to approve the minutes of the August 22, 2019 meeting as corrected. DelaRosa-Pearn seconded the motion, which passed unanimously.

III. Adopt Agenda

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

IV. Public Comment

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

V. Vanneste – Waterfront Accessory Structures – 17626 Oakwood

DelaRosa-Pearn continued to serve in this on-going request, and will continue to serve until a final decision is made.

Michael Paré of Blue Water Pools, the general contractor, presented the request for waterfront accessory structures. Paré stated that the landscaping plan is not complete, and will be brought to a future meeting.

Motion by Mierle, support by TenCate to table the landscape plan until an overall plan for the lot can be presented. The motion was approved unanimously.

Paré presented the revised plan for waterfront accessory structures. The two largest oak trees on the bluff will not be removed. The overlook deck has been reduced from 344 square feet to 242 square feet and has been moved closer to the house. The pergola has been reduced from 992 square feet to 440

DRAFT

square feet to avoid impact on the remaining oak trees. The pergola has been sited to have no effect on the neighbor's view. The pergola will be arched to match the house design, and will be made of white, maintenance-free material. The deck will be maintenance-free material with glass railings.

Ketchum stated that during his site visit it was difficult to know where the deck will be placed.

Paré stated the existing fireplace will be removed.

DelaRosa-Pearn asked about the color of the deck and the screening under the deck. Paré stated the color hasn't been chosen but will coordinate with the house. There will be plant material placed in front of the screening.

Postmus asked about storage under the deck. Paré stated that it will hold the pool and spa equipment.

TenCate asked about the size of the deck. Paré stated it will be 26 feet by 10 feet 2 inches, but that the deck isn't rectangular.

TenCate asked about support under the deck. Paré stated it was lattice on the lake side, and retaining walls on the other sides.

Paré stated a new fireplace will be added. The height of the chimney will be determined by code.

Mierle asked about the height of the pergola. Paré stated the crown of the arch will be at a height of 12 feet 6 inches, and the sides will be about two feet lower.

Ketchum stated that the Board would address the deck and pergola separately. Bultje stated that a variance for the size of the deck would need to be granted first, and then an authorization could be granted for the location. He also pointed out that authorizations and variances have different standards that must be met.

TenCate asked about why the size was chosen for the deck. Paré stated that the equipment for the pool and spa would require 210 square feet, and an additional 30 square feet would be required for walkways. If the deck is smaller the equipment would be placed outside and might be noisy for the neighbors.

Commissioners discussed the definition of a deck. Bultje stated that "deck" is not defined in the Zoning Ordinance, but commissioners agreed that any structure that was not directly on the soil would constitute a structure, and that this deck would be included.

Ketchum asked about the size of the current deck. Paré stated it is 12 feet by 12 feet.

Bultje stated that if building a room to allow the equipment to be housed would look nicer and be quieter for the neighborhood, there may be a necessity for a structure. The size of the room would then determine the size of the deck.

Commissioners reviewed the criteria for a variance.

DRAFT

Motion by delaRosa-Pearn, support by Mierle, to grant the variance for a deck of 242 square feet based on the status of meeting the criteria in Section 112 I, especially the exceptional circumstances for equipment placement, with the following conditions:

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

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

Commissioners then discussed the placement of the waterfront deck.

Motion by TenCate, support by Postmus, approve the Vanneste request at 17626 Oakwood Drive to construct a waterfront deck as presented in the revised application dated September 12, 2019, as the application meets all criteria in Section 306, I, 5 of the Zoning Ordinance, as noted in the Community Development Director report dated August 8, 2019, with the following conditions:

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

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

Commissioners then considered the pergola.

Ketchum read a letter from Karen Hill, 17628 Oakwood, stating that she no longer has concerns about the project, based on the September 12, 2019 plans.

Ketchum stated that he was concerned about a structure in a front yard of a waterfront lot. He would prefer umbrellas or something that isn't permanent.

TenCate asked about the goal of the pergola. Paré stated that it would make an intimate area for enjoying the fireplace and lake. TenCate stated there are many options for shade. DelaRosa-Pearn asked if the objectives could be achieved with a structure that is not permanent.

Bultje stated that this decision is an authorization, and reviewed the standards to be met. Mitigating factors for the authorization are the height of the property relative to other properties on Spring Lake, and the structure is not a significant impediment to anyone's lake view.

Motion by TenCate, support by Postmus, to approve the Vanneste request at 17626 Oakwood Drive to construct a pergola as presented in the revised application dated September 12, 2019, as the application meets all criteria in Section 306, I, 5 of the Zoning Ordinance, specifically the height of the property and the confirmation that the waterfront view is only marginally impacted, as noted in the Community Development Director report dated August 8, 2019, with the following conditions:

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

A roll call vote was taken. With Ketchum as the only dissenting vote, the motion was approved.

DRAFT

VI. Bolles – Waterfront Setback Determination and Authorization for Attached Garage Greater than 1500 Square Feet in Area – 19046 Rosemary

As this is a new request, Terpstra is now a participating board member, and delaRosa-Pearn is not participating.

Denny Dryer presented the request. They would like to add an additional attached garage, with the existing garage to become a workshop. There will be a 3-season room off the garage and an additional deck about ten feet past the room. Dryer noted that with the additional garage there will be 10.6% lot coverage. The garage wraps around and isn't visible from the neighboring properties.

The public hearing was opened at 8:31pm. There were no comments. Motion by TenCate, support by Mierle, to close the hearing at 8:32pm. The motion was approved unanimously.

Commissioners discussed the waterfront setback. The average setback is 92 feet, and the request is for 85 feet.

Postmus asked if the applicants had discussed the addition with the neighbors. Dryer stated that they did, and there were no objections.

Terpstra asked if the corner of the deck is the only impact on the setback. Dryer stated that was correct. The plans were originally submitted with the corner cut off, but they would like to include the corner if possible.

TenCate asked what would be at ground level, below the deck. Dryer stated it would be a path for waterfront storage.

Commissioners reviewed the criteria for a waterfront setback.

Motion by Postmus, support by Terpstra, to approve the Bolles waterfront setback determination at 19046 Rosemary which reduces the waterfront setback from 92 feet to 85 feet to accommodate the open air deck area as presented on the site plan, as it meets the conditions of Section 356, with the following conditions:

- a. The new deck shall not be enclosed with walls or a roof.
- b. The applicant comply with all state, county and local laws.
- c. The applicant will comply with all written and verbal representations.

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

Commissioners then discussed the attached garage. Dryer stated the new garage will be for storage of collectible cars, and will have a loft for storage. The materials used will match the existing house.

Commissioners reviewed the criteria in Section 322, C, 13.

Motion to approve the Bolles garage addition request at 19046 Rosemary to increase the garage area from 1,050 square feet to 2,420 square feet as presented on the site plan with the following conditions:

- a. The applicant prepare and record a restrictive covenant as per Section 322, C, 13, b, iii.

DRAFT

- b. The applicant comply with all state, county and local laws.
- c. The applicant will comply with all written and verbal representations.

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

VII. Adjournment

Mierle moved to adjourn the meeting at 8:59pm with support from TenCate. With a unanimous vote, the motion passed.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals