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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
OCTOBER 24, 2019 – REGULAR MEETING
BARBER SCHOOL, 102 W EXCHANGE, SPRING LAKE MI**

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

Postmus moved to approve the minutes of the October 10, 2019 special meeting as presented. Terpstra seconded the motion, which was approved unanimously.

III. Adopt Agenda

Terpstra moved to adopt the agenda as presented. DelaRosa-Pearn seconded the motion, which was approved unanimously.

IV. Public Comment

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

V. Arends – Accessory Building Authorization – 16100 Highland Dr

Dan Wilke, builder, presented the request for an authorization to construct an accessory building that is larger than allowed by right. The request is for a detached garage with a total of 1064 square feet. The roof line will match the house. There will be two garage doors, vinyl shake siding and four feet of stone at the bottom. There will be an 8-foot dormer in the roof. Wilke showed commissioners a map with properties in the area which have detached garages.

Postmus asked if there will be a second floor, and what utilities will be installed. Wilke stated that there will be no second floor. The building will have a peak ceiling, and only electricity will be installed. There will be electric heat.

Mierle asked if the dormer was decorative. Wilke stated it was, but that the windows will be operable to allow for air flow.

Ketchum asked if there will be stone on all four sides. Wilke stated there would be.

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Ketchum asked why the request is being made. Wilke stated that the owner would like to fit both a snowmobile trailer and a boat at the same time, while allowing the trailers to be moved individually.

The public hearing was opened at 7:09pm. There were no comments. Motion by Terpstra, support by delaRosa-Pearn to close the public hearing at 7:10pm. The motion was approved unanimously.

Ketchum stated that the curve of the driveway makes the building appear to be in the neighbor's back yard, and asked for specifics on the landscaping plan. Wilke stated that there will be grass on each corner, with burning bushes along the sides. The three existing pines will remain and will screen the building from the road. The neighbor, Michael Schmidt of 16076 Highland Dr, was present and stated he has no objection to the size or location of the building. He would like something that stays green all year on his side of the building. Wilke stated that he would work with the neighbor to choose appropriate landscape materials. Ketchum asked about specific plants and quantities. Wilke stated he would work with a landscaper and send the final plan to Hill for administrative approval.

Ketchum asked if there would be gutters on the building. Wilke stated there would be gutters.

Commissioners reviewed the criteria in Section 306 F for an accessory building authorization.

Motion by Terpstra, support by Mierle, to approve the Arends accessory building authorization at 16100 Highland Dr. to allow 1,064 square foot accessory building as presented with the following conditions:

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

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

VI. Sobczak – Variance to Create 2 Lots with Smaller Lot Width – 17840 W Spring Lake Rd

Adam Sobczak presented his request to split one lot into two lots that are 100 feet wide, rather than the required 120 feet wide. Sobczak stated that there is a configuration for a split that will allow the 120-foot requirement to be met. He presented commissioners with a drawing illustrating the allowable split.

Hill stated that there is a land division available for this lot. The request is to reduce the lot width to 100 feet at the front setback. The proposed version would allow two houses on the water, whereas the allowable split would have one house on the water and one with water access.

Ketchum stated that commissioners would refer to the split illustration in the variance request as Plan 1, and the split illustration presented at the meeting as Plan 2.

Sobczak stated that the lot is splittable, but that he is asking to make two more-equal lots. He prefers Plan 1, but has presented Plan 2 for reference. If the lot is split according to Plan 2 he will need to remove an existing retaining wall. With Plan 1 the retaining wall will not be removed. He stated that the neighbor's yard would be less affected by leaving the retaining wall in place. For Plan 2, the foundation of the new house would be used as the retaining wall.

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Hill stated the fire chief has inspected the private road and it is sufficient to handle an additional residence.

Terpstra asked about utilities. Sobczak stated that water and sewer are not available.

Ketchum asked if the private drive would remain in the current configuration. Sobczak stated that for Plan 2 it will stay the same. For Plan 1 there will need to be small adjustments that he will discuss with the fire chief.

Postmus asked about connecting to sewer. Hill stated that if a house is within 200 feet of a sewer line it must be connected to the system. However, there is no sewer currently available for this lot. For septic systems, the Health Department recommends a minimum 1-acre lot. The 120-foot width requirement keeps the density of properties on septic systems lower.

Ketchum asked if there were other 100-foot wide lots in the neighborhood. Hill stated there are other lots in that area that are 100 feet wide.

Postmus asked about the width of the private road. Hill stated there is a 33-foot easement.

Hill stated that Plan 2 does not require a variance. Plan 1 will require a variance. These are waterfront lots so the front setback is determined from the water. Also, the neighboring houses will need to be considered for a setback determination.

Sobczak stated that he has talked to the Health Department and there is sufficient space on each lot for a well and a septic system.

The public hearing was opened at 7:41pm. There were no comments. Correspondence that was received was reviewed.

Tom TenCate, commission member, stated he did not have an opinion but highlighted items to be considered.

Kevin Donnelly, 17844 West Spring Lake Road, stated he does not approve of the split and would like the parcel to remain whole.

Stuart and Elizabeth Kingma, 17854 West Spring Lake Road, do not approve of the split based on the variance review criteria.

Ronald and Mary Benish, 17846 West Spring Lake Road, do not approve of the split.

Motion by Terpstra, support by Mierle to close the public hearing at 7:49pm. The motion was approved unanimously.

DelaRosa-Pearn stated she was uncomfortable that the neighbors did not realize the lot could be split without a variance.

Mierle asked if there were any covenants restricting the split. Sobczak stated there were none, and that he had pulled all easements and submitted them to Hill.

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Commissioners reviewed the criteria for a variance in Section 112 I. The findings on the criteria were as follows:

- a. This is not an extraordinary circumstance.
- b. The owner still has a property right to split the lot without the variance.
- c. It is not a detriment to the adjacent property, and meets this condition.
- d. The situation is not general, and meets this condition.
- e. The circumstances are self-created.
- f. The enforcement would not involve practical difficulties.

Motion by Postmus, support by delaRosa-Pearn, to deny the Sobczak lot split variance because the application does not meet criteria a, b, e and f of Section 112 I.

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

VII. Schmitt – Variance to Allow Accessory Building on Vacant Lot – 14-303-014

Robert Schmitt presented his request. He is requesting a variance to combine two non-adjacent properties and construct an accessory building. The building will be 24x24 and will match the existing home. Landscaping plans were included. The vacant lot is across Lane Ave from the Schmitt property with a home. Due to the street easement, the lots cannot be combined to create one conforming lot.

Mierle asked about whether lots 76 and 77 would be combined. Hill stated that 14-303-014 is one parcel made up of two lots.

Hill stated that the parcel with the home has a 576 square foot detached garage. The request includes an additional 576 square feet, when the maximum allowed by right is 768 square feet. If the variance is granted, an authorization will be needed for the additional square footage.

Ketchum stated that there are two issues to consider, and they will be addressed separately.

Ketchum asked for additional details on the landscaping. Schmitt stated that there would be grasses on all four corners, with hostas between. There are pine trees to the south that will stay.

Postmus asked about utilities. Schmitt stated only electricity would be installed.

The public hearing was opened at 8:43pm.

Tom Nuyens, 15888 Beach, stated he has no problems with the request.

Correspondence that was received was reviewed.

Frank Reeser, 17239 Laura, stated that he thinks the variance should be granted.

Michael and Deborah Fayette, 15875 Beach, stated they support the request.

John and Jennifer Stalzer, 17183 Franklin, stated they do not have any concerns or issues with the request.

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Geoff Voshel, 15894 Beach, stated he agrees to the request.

Nancy Cook, 15884 Beach, stated she has no problem with the request.

Motion by Terpstra, support by delaRosa-Pearn, to close the public hearing at 8:46pm. The motion was approved unanimously.

Ketchum asked if the building would have gutters. Schmitt stated it would.

Commissioners reviewed the criteria for a variance in Section 112 I. They found that there were extraordinary circumstances because the lots are divided by a platted street. They also found that the request met all other criteria for a variance.

Motion by Mierle, support by delaRosa-Pearn, to approve the variance request by Robert Schmitt to allow an accessory building on a vacant lot as presented as they meet the standards of Section 112, I, of the Zoning Ordinance. The following conditions apply:

- a. The applicant will enact a lot merger agreement satisfactory to the Township Attorney that will ensure the two lots owned by Mr. Schmitt cannot be sold separately as long as an accessory building exists on the vacant lot without a principal dwelling.
- b. The applicant will comply with any other local, state, and federal laws.
- c. The applicant will comply with all verbal representations.

A roll call vote was taken. With Postmus as the dissenting vote, the motion was approved four votes to one vote.

Commissioners then discussed the accessory building authorization for the size of the building. The two lots would be considered one lot for zoning purposes. The total area of the two lots is just over 0.5 acre, which would allow for 768 square feet of total accessory building area by right. The lot with the home on it currently has a garage that is 576 square feet and this request is for an additional 576 square feet, for a total of 1152 square feet of accessory building area on the combined lots.

Ketchum noted that the maximum allowable accessory building area with an authorization, is 1536 square feet.

Postmus clarified that two accessory buildings are allowed.

Commissioners reviewed the criteria in Section 306 F for an accessory building authorization.

Motion by delaRosa-Pearn, support by Terpstra, to approve the Schmitt accessory building authorization to allow 1,152 square feet of accessory building as presented with the following conditions:

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

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

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VIII. Adjournment

Mierle moved to adjourn the meeting at 9:06pm with support from Terpstra. With a unanimous vote, the motion was approved.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals