

DRAFT

**SPRING LAKE TOWNSHIP  
ZONING BOARD OF APPEALS MINUTES  
DECEMBER 5, 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 7:00 p.m.

**II. Approval of Minutes**

TenCate moved to approve the minutes of the October 24, 2019 regular meeting as presented. DelaRosa-Pearn seconded the motion, which was approved unanimously.

**III. Adopt Agenda**

Postmus moved to adopt the agenda with the addition of IX Board Member Comments. TenCate seconded the motion, which was approved unanimously.

**IV. Public Comment**

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

**V. Giddings – Dimensional Variance to Create Non-Conforming Lots – 17278 Oak Street**

Michelle Giddings presented the request. They bought the lot at 17278 Oak and want to split the double lot back to the original smaller lots, which would each be 8250 square feet in area. There are many lots in the neighborhood which are smaller than the proposed lots. Less than 10% of the lots in the neighborhood are larger than 12000 square feet. Ken Vis, realtor, handed board members information about a split that was allowed for 309 Lake that created lots the same size as requested, and noted that 50% of the lots in the neighborhood are smaller than the 8250 square feet requested. The existing house will fit the setbacks after the split.

TenCate asked about the zoning for 309 Lake. Hill stated that lot is in the R3 Cottage district.

Ketchum asked whether the lot size requirement for R3 should be adjusted to less than 12000 square feet because so many lots are smaller. Hill stated that was an item that could be considered by the Planning Commission.

DRAFT

Ketchum asked if Giddings had talked to the neighbors. She stated she had talked to those next door and across the street and they approved of the split.

The public hearing was opened at 7:12pm.

Robert Metzler, 15725 Beach St, stated his back yard will abut the split lots. He was only concerned about setbacks relative to his lot when another house is constructed after the split.

Rhonda Rochon, 15768 Cherry, stated she lives across the street and thinks this will be a great addition to the neighborhood.

John and Cheryl Nametz, 15489 Howard St, sent an email stating they strongly oppose a variance to create non-conforming lots.

Motion by Mierle, support by TenCate, to close the public hearing at 7:19pm. The motion was approved unanimously.

Mierle stated that he believes that the lots are too small in the neighborhood already and the houses will be too close together.

TenCate stated that the neighborhood of this lot is different from Coles Park and the lots are bigger near this lot.

Ketchum stated that the lots seem to fit in with the neighborhood.

Board members reviewed the criteria for granting 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 use of the lot as it exists.
- c. Board members felt it was a detriment to the neighborhood, although the neighbors did not object.
- d. The situation may be general, and may warrant a general regulation.
- e. The circumstances are self-created.
- f. The enforcement would not involve practical difficulties.

Hill stated that the lots on Lake St were consistently 50 feet wide. This area is not as consistent, and some lots match the request and some lots are larger.

Motion by Postmus, support by Mierle, to deny the variance request to create two 8250 square foot lots at 17278 Oak Street as it does not meet all of the standards of Section 112 I of the Zoning Ordinance, nor the intent of case law as described by the Township Attorney, specifically criteria a, b, c, d and e.

A roll call vote was taken. Mierle, Postmus and TenCate voted in favor. DelaRosa-Pearn and Ketchum voted in opposition. The motion passed, and the variance request was denied.

DRAFT

**VI. Laning – Dimensional Variance for Rear Yard Setback and Lot Coverage Variance – 15530 Howard Street**

TenCate recused himself because he is a neighbor of 15530 Howard.

Ed Laning presented his request to fix issues with his garage. The current garage is too small and only 8 feet from the road. Backing onto the street is hazardous, snow piles up in front of the garage door, and the garage floor gets wet from road runoff. Laning would like to attach the garage to the road side of the house. The grade in that area is 15 inches higher than where the current garage is located, and the garage will be 23 feet from the road. The existing garage will be demolished and the existing shed will be moved off the property.

Ketchum noted that the existing shed is 64 square feet, not 32 square feet as noted in the application.

Postmus asked if the grade adjustment would be across the whole lot. Laning stated that the fill was just for the garage area, and would be tapered on both sides to the property lines. However, only a small amount of fill would be needed because the grade of the proposed location is already higher.

Postmus asked if there would be gutters on the garage. Laning stated that gutters could be added if they would be beneficial.

DelaRosa-Pearn asked if reducing the size of the garage had been considered, to allow the request to meet the 25% lot coverage limit. Laning stated that 24x24 is standard, and since the shed is being removed he needs additional storage space.

Mierle asked about an existing window, and how the garage would be attached to the house. Laning stated they would lose the window. There will be a door from the garage that will enter through the breezeway.

DelaRosa-Pearn asked about the notation of a cleanout on the submitted plans. Laning stated the cleanout is to access the sewer line beneath the garage if there is a problem.

DelaRosa-Pearn asked if Laning had spoken to the neighbors. He stated he had talked to the neighbors on both sides and both were in favor of the request.

Hill stated that moving the garage away from the right of way is good.

The public hearing was opened at 7:51pm.

Tom TenCate, 17520 Howard, stated he lives directly east of this property. He stated it would be an improvement to move the garage back from the road. He would like to make sure the water runoff is handled.

John and Cheryl Nametz, 15489 Howard, stated they do not oppose removing the old garage and shed and replacing them with an attached garage, and they do not oppose the increase in lot coverage. However, they would prefer that the garage be placed 26.5 feet from the road.

Motion by delaRosa-Pearn, support by Mierle, to close the public hearing at 7:55pm. The motion was approved unanimously.

DRAFT

Ketchum stated that there were two variance requests, both a rear yard setback variance and a lot coverage variance. These requests would be considered together.

Board members reviewed the criteria for a variance in Section 112 I. They found that both requests met all criteria for a variance.

Motion by Postmus, support by delaRosa-Pearn, to approve the variance requests to allow a 576 square foot attached garage and 26.9% lot coverage at 15530 Howard as presented as they meet the standards of Section 112, I, of the Zoning Ordinance. The following conditions apply:

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

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

## **VII. Interpretation**

Hill stated that Brock Hesselsweet, architect, requested an interpretation of Section 330, Height Requirements and Measurements. Specifically, the homeowners want to remodel a home and include a rooftop deck. They would like an additional structure to cover the stairs and to allow for storage. Staff has interpreted this as a disallowed third story. Hesselsweet is requesting board members consider the interpretation of a story.

After discussion, the consensus of board members is that Section 330A only allows for decorative items on the roof, not a room, and that this request is for a room. Therefore, it is not allowed per Section 330.

## **VIII. 2020 Meeting Dates**

Motion by TenCate, support by Mierle, to approve the 2020 meeting dates as presented. The motion was approved unanimously.

## **VI. Board Member Comments**

Board members discussed issues occurring because of erosion on Lake Michigan.

## **X. Adjournment**

TenCate moved to adjourn the meeting at 8:41pm with support from delaRosa-Pearn. With a unanimous vote, the motion was approved.

Respectfully submitted,

George Postmus, Secretary  
Zoning Board of Appeals