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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
FEBRUARY 27, 2020 – SPECIAL MEETING
BARBER SCHOOL, 102 W EXCHANGE, SPRING LAKE MI**

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

I. Call to Order

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

II. Approval of Minutes

Postmus moved to approve the minutes of the December 19, 2019 meeting as presented. Mierle seconded the motion, which passed unanimously.

III. Adopt Agenda

Mierle moved to adopt the agenda with the deletion of item VI - Interpretation. Terpstra seconded the motion, which passed unanimously.

IV. Public Comment

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

V. McNeice – Authorization/Variance for Accessory Building – 16376 Hardwood Lane

Brandon McNeice presented their request for an accessory building. They are requesting an authorization for a 1920 square foot building, and a variance to allow that building to be 2500 square feet. McNeice handed commissioners pictures of what they intend to do for landscaping on their property. He stated that there is no specific landscape plans yet. McNeice stated that the property adjacent to their property is all wooded. He wants the barn for recreational vehicles that are currently stored in a rental unit. The requested size it to accommodate a boat on a 48-foot trailer. The location of the barn and house will be set back from the road, but he needs to work around the wetlands on the property.

Postmus asked if he has authorization to build on the land, because it is under a land contract. Jennifer McNeice stated that they have authorization from the holders of the land contract, and a copy of that has been given to the Community Development Director.

Commissioners expressed concern about the lack of a detailed landscape plan. They would like a more-detailed plan to be presented to the Community Development Director. They were especially concerned about screening the building from the house to the east.

Mierle asked who owns the equipment parked on the property. Brandon McNeice stated that it was all his except for the loader near the road. He stated he will be doing the excavation for the house,

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and is talking to the neighboring church about a project. After the church decides about the project and he finishes the excavation he will sell the equipment.

Mierle asked about the materials stored behind the property. McNeice stated that the materials are temporarily stored on the church property, and will be gone once he starts building the house.

Mierle asked if there is sewer available. McNeice stated that he is working with the Township to determine if they can get sewer. Otherwise, they will need a septic tank, like the rest of the neighborhood.

Mierle asked what the accessory building would look like, and what utilities would be included. McNeice stated it would be made of the same materials as the house. There will be electricity and probably gas for heating. There will be no bathroom in the accessory building.

TenCate asked about the height of the accessory building and if the building had been discussed with the neighbors. McNeice stated that he hadn't talked to the neighbors. The proposed building has 14-foot sidewalls and a roof with sections that are 8:12 and sections that are 10:12. The overall height will be 26 feet.

Jennifer McNeice stated the existing hut on the property will be removed when their dwelling is constructed.

The public hearing was opened at 7:31pm.

An email was received from Tom Zoppa, 16210 Heather Ct. Zoppa is opposed to any building larger than that allowed by right.

Jack Bullinger, 16383 Hardwood Ln, stated that there were no wetlands from 1959 to 1971. Now there are wetlands to protect. He is concerned that the pond on his property keeps flowing toward Spring Lake.

Motion by Terpstra, support from Mierle, to close the public hearing at 7:41pm. The motion was approved unanimously.

Postmus asked if the floor of the accessory building would be a slab. McNeice stated it would be a slab.

Commissioners reviewed Section 306.F of the Zoning Ordinance.

Motion by Terpstra, support by Mierle, to approve the Accessory Building Authorization for a 1920 square foot accessory building as presented, including the additional documents presented at the February 17, 2020 meeting, based on its compliance with the factors in Section 306.F at 16376 Hardwood Lane with the following conditions:

- a. The applicant shall comply with all local, state, and federal laws, as applicable.
- b. The applicant shall comply with all written representations to the Township, and all verbal representations as reflected in these minutes.
- c. A covenant, as prepared by the Township Attorney, shall be recorded to restrict any future land divisions on the property as long as the accessory building is in existence.

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- d. A landscape plan and a final plan for the accessory building will be submitted to the Community Development Director and may be approved administratively.

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

Commissioners then considered the variance request for a 2500 square foot accessory building. Commissioners reviewed 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 not a detriment to the neighborhood.
- d. The situation may be general, and may warrant a general regulation.
- e. The circumstances might not be self-created.
- f. The enforcement would not involve practical difficulties.

Motion by Postmus, support by Mierle, to deny the Accessory Building Variance for a 2500 square foot accessory building at 16376 Hardwood Lane as it does not meet all the standards of Section 112.I of the Zoning Ordinance, specifically criteria a, b, d and f.

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

VI. Interpretation - Deleted

VII. Adjournment

Mierle moved to adjourn the meeting at 8:20pm with support from Terpstra. With a unanimous vote, the motion passed.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals