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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
DECEMBER 3, 2015 – REGULAR MEETING**

Present: Jack Ketchum Larry Mierle, George Postmus, Tom TenCate, Dean Vanderstelt.
Absent: Doug Noren.
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

Mierle moved to approve the minutes of the October 22, 2015 meeting as corrected. Postmus seconded the motion, which passed unanimously.

III. Adopt Agenda

Mierle moved to adopt the agenda as presented. Vanderstelt seconded the motion, which passed unanimously.

IV. Dyke – Variance Request – 17320 Ottawa Avenue

Rita Dyke presented her request for a six-foot privacy fence around the perimeter of what she considers her back yard. She stated she did not realize she needed a permit, and that her contractor is from out of the area and also did not know a permit was needed. She stated she wants privacy and security. She would also like to keep children from cutting through her yard due to liability issues. She may want to install a pool in the future. The fence on the Oak Street side will not obstruct the views at the corner. There was a picket fence installed previously, which was removed.

TenCate asked if the fence was going in the same place as the fence which was removed. Dyke stated that it was about one foot in from the original placement.

Postmus asked why a 12-foot gate was included. Dyke stated that was to allow maintenance or emergency vehicles to access the yard.

Vanderstelt stated that the neighbor has a six-foot fence, which becomes a vinyl picket fence in the front. The other neighbor has a chain link fence.

Kay Hunt, 15776 Pine, states she backs up to Dyke's property and they share a 100-foot boundary. She is supporting the request for the fence. The house was previously a rental, and she is glad the house is being fixed up. The area where the fence is proposed is Hunt's back yard. There

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are neighbors with six-foot fences that are on the Dyke property lines. There are also other fences in the area setting a precedent.

Postmus asked if a chain link fence could keep the dog in and children from cutting through the yard. Hunt stated that a chain link fence isn't as attractive as the proposed fence.

The public hearing was opened at 7:15pm.

Dave Scott, Grand Haven, stated he is a family member. He did not understand the two front yard definition, and was that designed for corner lots and views?

Hill stated that on lots with double frontage, the ordinance treats both frontages as front yards. Section 317 discusses intersecting or non-intersecting streets. Hill stated that he interpreted that section as meaning that this lot has two front yards.

Mierle asked what the setback was for front yards on Oak Street. Hill stated that there is a 30-foot setback for front yards.

Hill referenced the emailed letters which were received. There were four letters in support, and one not in favor.

Joe Padavic, 17297 Coles Park, stated he was not in favor of a six-foot privacy fence in a front yard, as it would have a stockade-like visual.

Patrick and Catherine Kennedy, 17384 Coles Park, stated they were in favor of the fence.

William and Marylynn Silvestri, 17317 Ottawa, stated they were in favor of the fence.

Robert Tyler, 15775 Pine, stated he was in favor of the fence.

Kay Hunt, 15776 Pine, stated she was a next-door neighbor and she was in favor of the fence.

Motion by Mierle, support by Postmus, to close the public hearing at 7:21pm. The motion was approved.

Hill reviewed the staff memo. He stated the side yards could have six-foot fences closer to Oak St. if the fences were built by the neighbors, but are not allowed if built by Dyke. The portion of the fence in question is the portion across the front yard on Oak St.

Vanderstelt asked about setback requirements. Hill stated that fences do not have setbacks, and can be erected on the property line.

Ketchum asked if the public had more questions or comments.

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Dyke stated that she would prefer not to have 50% visibility of the fence. Hill stated that the ordinance requires it.

Dyke stated that other people in the area have privacy fences. Ketchum stated he did not know why they were allowed. Hill stated they may be existing nonconforming structures which were installed before the current ordinance.

Hunt said the neighbors would like to have fences around their yards but can't afford them. They see this as a positive as they won't have to pay for that portion of the fence. A variance would be useful. Ketchum stated that there were criteria to follow for the issuing of a variance.

Scott stated that the fence won't obstruct views. Several lots were combined and allowed the house to be built. He stated that a back yard should be treated as a back yard.

Hill stated that the ordinance would allow a six-foot solid fence on the side yards up to the 30-foot front yard setback from the street. Any additional fencing in the front yard would need to be 4 feet tall with 50% visibility.

Ketchum reviewed the criteria for a variance of a six-foot solid fence around the entire perimeter as requested:

- a. There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.
- b. The Variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a Variance.
- c. The Variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.
- d. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.
- e. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
- f. The enforcement of the literal requirements of this Ordinance would involve practical difficulties.

Board members found that criteria a, b, c, d and f were answered "no".

Motion by Mierle, support by Postmus to deny the variance request based on the fact that it did not meet all six criteria in Section 112 I of the Zoning Ordinance. With a roll call vote, the motion passed unanimously.

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V. Adjournment

Postmus moved to adjourn the meeting at 8:14 p.m. with support from TenCate. The motion passed unanimously.

Respectfully submitted,

Jack Ketchum, Acting Chairperson
Zoning Board of Appeals