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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
April 23, 2015 – REGULAR MEETING**

Present: Jack Ketchum, Larry Mierle, Doug Noren, George Postmus and Dean Vanderstelt.

Absent: None.

Participant: Lukas Hill, Community Development Director.

I. Call to Order

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

II. Approval of Minutes

Mierle moved to approve the minutes of the March 26, 2015 meeting. Ketchum seconded the motion, which passed unanimously.

III. Adopt Agenda

Mierle moved to adopt the agenda as written. Ketchum seconded the motion, which passed unanimously.

IV. Brown Waterfront Setback Determination, 15488 Howard St.

Richard Brown presented the request for a waterfront setback determination. This item was tabled at the March 26, 2015 meeting. The current proposed building location was staked by a surveyor. The location is significantly further back from the water than the previously staked location. Brown also removed ten feet from the length of the house, and changed the overhangs to one foot. The east side of the house is totally within the allowed setback. The west side has two small triangular areas totaling less than 20 square feet which protrude into the setback. Brown stated that he feels he listened to the board and the neighbors and tried to accommodate all requests while still building the house.

Because a public hearing was held previously, it was not necessary to hold another hearing. However, the Commissioners agreed that because the site plan was revised, they would prefer to hold another public hearing. The public hearing was opened at 7:10pm.

Dee Iurcovich, 15486 Howard, which is an adjacent parcel, stated that the new position of the house will block all views to the west from her deck. She also feels the site is too crowded, and the stairs should not be allowed in the easement. She stated that she sent a letter to the Board with a picture illustrating the view from her deck if the house is allowed.

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Doris Ducy, 15844 Howard, is concerned about drainage on the site. She is fully in support of Ms. Iurcovich and they both will be looking at the side of the building. She also noted that she sent a letter to the board asking that all zoning restrictions be enforced as written.

Several letters on this issue were received and given to Commissioners. Doris Ducy sent a letter opposing the location. Dee Iurcovich sent a letter and included pictures to support her position. James Kuczma, 15474 Howard, sent a letter opposing the approval of any 2-story home on the lot. Barbara Lamancusa, 15490 Howard, previously sent an email in favor of the plans for the house.

Motion by Noren, support by Ketchum, to close the public hearing at 7:17pm. The motion passed unanimously.

Brown stated that the setback determination was based on the average of two houses. If one house is set further back, the new house will be in front of that one. The DEQ has approved the fill and the site will be graded to maintain the grade. Drainage is toward the water. The fill is 55 cubic yards to bring the slab to level because the lot slopes toward the water.

Ketchum stated that Brown has a right to build in accordance with the ordinance. He asked about where the gutters would be located. Brown stated they would drain to downspouts which will discharge into a buried pipe. The pipe will discharge toward the lake through pop up valves.

Mierle suggested moving the house back toward the road behind a line between the house at 15490 Howard and the center point of the house at 15486 Howard. If the house was moved back, Mierle stated that he would accept the other variance requests for the side yard setbacks.

Vanderstelt asked about whether the garage could be made smaller to accommodate a larger house. Brown stated that they needed the space for storage, and that there was living space above the garage.

Hill stated that moving the house back to the suggested line would require that it move three feet. Mierle stated that the neighbors do have some rights.

Vanderstelt asked about whether the patio was rectangular or round. Brown stated that the site plan was correct, and it was curved on one side to keep it on top of the fill.

Brown stated he was concerned about moving the house back because then his view would be affected, especially by the house at 15490 Howard.

The Commissioners reviewed Section 356 of the Zoning Ordinance.

Motion by Ketchum, support by Mierle, to approve the request by Richard Brown at 15488 Howard Street to place a new dwelling as presented as it meets the standards of Section

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356 of the Zoning Ordinance and it is not considered to be a detriment to the neighborhood. The following conditions apply

- a. The house will be built behind a line drawn between the northeast corner of the house at 15486 Howard and the northeast corner of the house at 15490 Howard as indicated on the site plan dated April 14, 2015. Specifically, Point D, as labelled on the site plan, will be placed on the indicated line. The infringements in the side yard setback on the west side of the house will also be allowed as necessary to allow the proposed building footprint on the site with the determined waterfront setback applied.
- b. The applicant will comply with any other local, state, and federal laws.
- c. The applicant will comply with all verbal representations.

With a roll call vote, the motion passed unanimously.

V. Adjournment

Mierle moved to adjourn the meeting at 7:55 pm with support from Ketchum. The motion passed unanimously.

Respectfully submitted,

Jack Ketchum, Secretary
Zoning Board of Appeals