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**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
JULY 28, 2016 – REGULAR MEETING**

Present: Jack Ketchum, Larry Mierle, George Postmus,

Absent: Doug Noren, Tom TenCate, Dean Vanderstelt

Participants: 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 June 23, 2016 meeting as presented. Postmus seconded the motion, which passed unanimously.

III. Adopt Agenda

Ketchum moved to adopt the agenda as presented. Postmus seconded the motion, which passed unanimously.

IV. Tamburello– Variance Request – 15540 Howard Street

TenCate recused himself from this matter due to the location being near his house. Hill explained to the applicant that with only three board members present, the vote has to be unanimous to approve the variance request. Frank Tamburello indicated he understood, and was willing to continue with the meeting.

Jamie Dulin, contractor, stated that there was an existing 12-foot by 28-foot deck that the owner wants to extend four feet closer to the lake. The owner submitted a letter indicating he will never build any structure above the deck. This deck would be 48 feet from the lake, and is lower than the neighbor's deck.

Postmus asked if there is a seawall. Dulin stated there was, and that the neighbor to the west also has a seawall. The neighbor to the east does not.

Dulin stated this is a floating deck, not attached to the house or the ground. It sits on concrete pads.

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Mierle asked if state building codes apply to this deck. Hill stated that they do, and the deck would require footings. The deck is being interpreted as attached to the home. Otherwise, it would be considered an accessory building, which has different rules and restrictions. Dulin stated that the building inspector will require footings for the new portion of the deck. The existing portion of the deck won't need footings.

Mierle asked if new boards were put on the old deck structure. Dulin stated they were.

Ketchum asked if a permit was pulled. Dulin stated that he called the Township and didn't get a call back, so he assumed he didn't need a permit. A stop work order was issued by the Township.

Ketchum stated that the deck was legally nonconforming, but now is more nonconforming. It fits the neighborhood, but the review of the criteria for granting a variance will be a problem.

Tamburello stated that he is doing cosmetic upgrades on the house and he relied on the contractor for permits. Because it is a small cottage he would like an expanded deck. The deck is only 15 inches off the ground so it doesn't obstruct any views. He regrets that proper procedures were not followed.

Dulin asked what the current waterfront setback is. Hill stated that it is 65 feet from the 580 contour line as determined using Ottawa County GIS. The applicant could request a table and have a surveyor do more precise measurements if desired.

Dulin stated that he feels the deck fits the spirit of the ordinance.

The public hearing was opened at 7:33pm.

Tim Boelema, 15564 Howard, which is 2 houses west of the Tamburello house, stated that he supports what is being done because they are cleaning up the property. The lot is lower than the surrounding lots, so the deck doesn't block views. He supports leaving the deck, as it's in line with other decks in the neighborhood.

Tom TenCate, 15520 Howard, which is 2 houses east of the Tamburello house, stated that the deck doesn't affect his view. He also stated that there is some of the old structure visible on the east side of the deck. He asked whether pavers could be placed without a variance. Hill stated that a patio is not a structure and that permits are not required.

Dulin stated that the lot is wet, and they do not want a ground-level patio.

Kelly Boelema, 15564 Howard, stated that the deck looks nice and she has no problems with the deck.

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Frank Tamburello stated that the wood deck feels right for the lakefront lot, and that the height is good.

Motion by Mierle, support by Postmus, to close the public hearing at 7:45pm. The motion passed unanimously.

After discussion, the board members stated that they were generally in favor of the deck, but that the review criteria did not allow them to approve the variance.

Motion by Mierle, support by Postmus, to table the variance request to allow for consultation with the Township attorney. The motion passed unanimously.

V. Adjournment

Mierle moved to adjourn the meeting at 8:08 p.m. with support from Ketchum. The motion passed unanimously.

Respectfully submitted,

Jack Ketchum, Acting Chairperson
Zoning Board of Appeals