

**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
MAY 28, 2020 – REGULAR MEETING**

Present: Ellen delaRosa-Pearn, Jack Ketchum, Larry Mierle, George Postmus, Tom TenCate,
Rachel Terpstra
Absent: None
Participant: Lukas Hill, Community Development Director

Pursuant to Executive Order No. 2020 – 15, the Township of Spring Lake Zoning Board of Appeals conducted its business via conference call to mitigate the spread of COVID-19. Members of the public were encouraged to dial in to this meeting. Members of the public were not required to register or otherwise provide information to attend.

I. Call to Order

The meeting was called to order by Ketchum at 7:04 p.m.

II. Approval of Minutes

Terpstra moved to approve the minutes of the February 27, 2020 meeting as presented. TenCate seconded the motion, which passed unanimously.

III. Adopt Agenda

Terpstra moved to adopt the agenda as presented. TenCate seconded the motion, which passed unanimously.

IV. Public Comment

A time for public comment was provided. There was one comment regarding no-wake zones.

V. Ryan – Variance Request for an Accessory Building in a Front Yard – 15799 144th Ave.

Jason Ryan presented his request for a detached structure in the front yard of his house. His lot is behind a lot which fronts on 144th Ave, and he has an easement for the driveway. He would like to build a 20x24 garage for more storage. The location proposed seems like the only possible location because it is difficult to get to the back of the house and that area is swampy. He talked to the neighbor and located the garage behind trees so they will not see the garage. The garage will match the house, with the same siding, paint and shingles. There is currently a crushed stone driveway to the location of the garage. When the main driveway is repaved, the driveway to the garage will be paved.

DRAFT

DelaRosa-Pearn asked if the garage height from ground to peak is 16 feet. Ryan confirmed that was correct.

DelaRosa-Pearn asked if the previous owner had a variance for an accessory building. Hill clarified that the previous owner had an administrative approval with an interpretation that the location in question is a side yard. However, since that interpretation was made in 2016, the Board of Appeals has held that the property line closest to the right of way is the front lot line, so the interpretation is not applicable. This property has a front lot line meeting a rear lot line, which is common in flag lots.

The public hearing was opened at 7:30pm.

Bethany Inman, 15783 144th Ave, stated that she lives in the house directly in front of the property in question. They have had issues with water on their lot since the house at 15799 144th was constructed. She is concerned about the location of the garage. She will be able to see it, and there are other spots on the lot where the garage could be placed. She isn't opposed to the garage, but would prefer a different location.

Mike Inman, 15783 144th Ave, stated that he talked to Ryan. The proposed location is definitely in the Ryan front yard. Inman is concerned about fill that has been brought in to the back lot that has affected the front lot. Inman stated that there are other locations that are available for the garage.

Motion by TenCate, support from Mierle, to close the public hearing at 7:43pm. The motion was approved unanimously.

Mierle and Postmus stated that they believe there is another location, and that the building could be built in a wet location.

TenCate asked if there was another feasible location, and whether the proposed location has the lowest impact on his parcel. Ryan stated that if he brought in a lot of fill he could potentially use another location, but that this location has the least impact on his and the surrounding properties.

Commissioners reviewed Section 112.I of the Zoning Ordinance. There was disagreement among commissioners related to whether there are exceptional or extraordinary circumstances or conditions applying to the property. Hill stated that a rear yard abutting a front yard makes this an unusual circumstance. He noted that commissioners could approve the garage with a condition to move it to a location that is more desirable, but that is still in the front yard.

Motion by Mierle, support by Postmus, to deny the variance request to construct an Accessory Building as presented at 15799 144th Ave because as it does not meet all the standards of Section 112.I of the Zoning Ordinance, specifically criteria a and b.

A roll call vote was taken. Postmus and Mierle voted yes, Terpstra, TenCate and Ketchum voted no. The motion failed.

Motion by TenCate, to approve the variance request to construct an Accessory Building as presented at 15799 144th Ave, with the following conditions:

- a. An arborvitae wall will be installed for three-quarters of the length of the front property line.
- b. The applicant will comply with all verbal representations.

DRAFT

- c. The application will comply with any other local, state, and federal laws.

A roll call vote was taken. Postmus and Mierle voted no, Terpstra, TenCate and Ketchum voted yes. The motion was approved.

VI. Clover – Waterfront Setback Determination – 17865 Oakwood Dr.

Mike and Christine Clover presented their request for a waterfront setback determination. Their intent is to tear down the existing house and rebuild. When the waterfront setback rules were applied and the building envelope was determined, they felt that the house would impede the view of the southerly neighbor. They are proposing to change the envelope to move the south setback away from the water, and move the north setback forward, squaring off the building envelope. They have discussed their request with all the neighbors.

Postmus asked Hill to clarify the building envelope. Hill stated that Line A, the original line, may impede the view from the home to the south. Line B, the proposed line, brings the envelope in line with the intent of the ordinance, and will protect the viewshed of all neighbors.

The public hearing was opened at 8:27pm.

Frank Mercurio, 17863 Oakwood Dr., the neighbor to the south, stated that the variance that is requested is fine and they did a good job not impeding the view, assuming that the house is built as proposed.

Sandra Mercurio, 17863 Oakwood Dr., stated she has no problems with the variance.

Motion by Mierle, support by Terpstra, to close the public hearing at 8:29pm. The motion was approved unanimously.

Commissioners reviewed Section 356.C of the Zoning Ordinance.

Motion by Mierle, support by TenCate, to approve the Waterfront Setback Determination as presented at 17865 Oakwood Dr. with the following conditions:

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

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

VII. Johnston – Variance Request to Split a Lot Resulting in Two Nonconforming Lots – 16165 Terrace Road

Jerry Johnston presented the request to split the lot at 16165 Terrace Road. At some point in the past, two lots were combined into one lot. He would like to separate the lots back into the original lots. He would like to sell the house and believes it will be easier to sell if the value of the vacant lot isn't included. Proposed Lot A would have 100 feet of width with 14,370 square feet of area, and proposed Lot B would have 93 feet of width and 12,933 square feet of area. The distance of the existing house to the proposed lot lines is 14 feet 6 inches on one side and 10 feet on the other side.

DRAFT

Commissioners discussed the proposed lots in relation to the other lots in the neighborhood. Consensus was that the proposed lot split would be appropriate for the neighborhood.

The public hearing was opened at 8:39pm. There were no comments. Motion by Ketchum, support by TenCate, to close the public hearing at 8:40pm. The motion was approved unanimously.

Commissioners reviewed the criteria in Section 112.I of the Zoning Ordinance.

Motion by Terpstra, support by TenCate, to approve the variance request to divide the lot at 16156 Terrace Road, current parcel number 10-227-058, as it is consistent with other lot sizes and widths within the plat.

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

VIII. Adjournment

Mierle moved to adjourn the meeting at 8:44pm with support from Terpstra. With a unanimous vote, the motion passed.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals