

**SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
NOVEMBER 12, 2020 – SPECIAL MEETING**

Present: Ellen delaRosa-Pearn, Jack Ketchum, Larry Mierle, George Postmus, Tom TenCate
Absent: Rachel Terpstra
Participant: Lukas Hill, Community Development Director

Pursuant to PA228 of 2020, 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 7:00 p.m.

II. Approval of Minutes

Motion by Mierle, support by TenCate, to approve the minutes of the October 8, 2020 meeting as presented. A roll call vote was taken and the motion passed unanimously.

III. Adopt Agenda

Motion by delaRosa-Pearn, support by TenCate, to adopt the agenda as written. A roll call vote was taken and the motion passed unanimously.

IV. Public Comment

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

V. Osterhaven: Attached Garage Authorization at 18809 N Fruitport Road

Ketchum noted that the applicant changed their request to only an attached garage authorization.

Motion by Ketchum, support by Mierle, to remove the item from the table. A roll call vote was taken and the motion passed unanimously.

Jeff Boot of Dan Vos Construction presented the revised request. They want an addition to the existing garage to house vehicles and yard equipment. The total size of the garage will be 2281 square feet. The largest story of the house is 2454 square feet. The lot is greater than two acres, and the Zoning Ordinance allows for the garage to be larger than the largest story on these lots. In addition, the lot coverage will be less than the maximum allowed.

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Ketchum asked about a landscape plan. Jim Osterhaven stated that he plans to keep as many trees as possible and will install extensive landscaping around the new garage.

Ketchum asked about the plan to handle stormwater runoff from the garage roof. Osterhaven stated that eavestrough will be installed on the garage.

Commissioners reviewed the criteria for an attached garage authorization.

Motion by delaRosa-Pearn, support by Mierle, to approve the attached garage expansion as presented at 18809 N. Fruitport Road with the following conditions:

- a. The applicant will comply with any other local, state and federal laws.
- b. The applicant will comply with all verbal representations.
- c. No additions will be made to the existing accessory building.

A roll call vote was taken and the motion passed unanimously.

VI. Baglien: Waterfront Setback Determination at 2955 Willis Drive

Ryan Baglien and Douglas DeHaan presented the request for a waterfront setback determination. The lot in question is in both Ottawa and Muskegon Counties, and in Spring Lake Township and Fruitport Township. The municipal boundary bisects the property from east to west, making the placement of the house difficult. Additionally, the property is located on a peninsula, which affects the waterfront setback determination. Building the house entirely in Fruitport Township is undesirable because the waterfront view would be minimal. There is not enough space to put the entire house in Spring Lake Township and maintain a reasonable waterfront setback. Therefore, the preferred proposal is to place the house in Spring Lake Township and the garage in Fruitport Township. The proposed location of the new house is 55 feet west of the previous house. The house is moved forward to be in line with the neighboring existing homes.

The old house has been removed. The porch of the old house blocked the view of the Babbitts, the neighbors to the east. Additionally, about 60 feet of fence that extended toward the water was removed. The Babbitts walked the property with the builder and they agree to the placement of the house.

The porch of the new house would be the part of the house that is closest to the water. The porch will be transparent and will not block views.

Nic Morano, attorney, referenced the letter from the Babbitts approving the plan. He noted that the waterfront setback was not a self-created hardship, and that the requested setback of 68 feet is consistent with other properties in the area.

Postmus asked if the existing guest house would remain. DeHaan stated that it would remain. It will be repaired but not used as a residence.

Postmus asked how many trees would be removed. DeHaan stated that some would be removed, but the position of the house was chosen to preserve as many trees as possible. There are well-maintained mature trees and the house will be placed among the trees.

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Postmus asked if there would be a basement, and if the house would need to be elevated. DeHaan stated that there will be a walkout basement. The house will need to be raised about 42 inches to site it one foot above the 100-year flood plain. The amount of fill planned will not affect the trees.

DelaRosa-Pearn asked for clarification on whether the porch is see-through. DeHaan stated that it would be an open-air porch, more like a covered patio.

TenCate asked if the Babbitts know about the roof on the porch. DeHaan stated that the Babbitts received the same packet as the ZBA, and the porch will impact their view less than the old house did. Also, the removal of the fence improved the view from the east. The Babbitts approved the site plan, and their approval is included in the packet.

The public hearing was opened at 7:26pm. There were no comments. Motion by TenCate, support by delaRosa-Pearn to close the public hearing at 7:27pm. The motion was approved unanimously.

Commissioners considered the criteria for a waterfront setback determination. Hill noted that determining the waterfront setback would also determine the other setbacks. Because of the unusual municipal boundary affecting the lot, determining the waterfront setback determines the rear yard setback, which will be right on the Spring Lake Township property line.

Motion by TenCate, support by delaRosa-Pearn, to approve the Waterfront Setback Determination at 2955 Willis as presented on Sheet AO.1d dated 10/8/2020, with the following conditions:

- d. The applicant will comply with any other local, state and federal laws.
- e. The applicant will comply with all verbal representations.
- f. There will be a legal instrument to tie the two properties together so they cannot be sold separately.
- g. No portion of the home shall be closer to the water than the requested 68 feet.
- h. The porch shall remain open air.

A roll call vote was taken and the motion passed unanimously.

VII. Adjournment

Motion by Ketchum, support by Mierle, to adjourn the meeting at 8:10pm. The motion passed.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals