SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
OCTOBER 8, 2020 – SPECIAL MEETING

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

Pursuant to Executive Order No. 2020 – 154, 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 7:03 p.m.

II. Approval of Minutes

Motion by TenCate, support by Terpstra, to approve the minutes of the August 27, 2020 meeting as presented. A roll call vote was taken and the motion passed unanimously.

III. Adopt Agenda

Motion by Terpstra, support by TenCate, to adopt the agenda with the addition of IX Board Discussion. 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. Quigg: Waterfront Setback Determination at 18973 N. Fruitport Road

Mark Quigg and Ken Vis presented the request for a waterfront setback determination. There is an existing house on the site, and the current setbacks are 82.5 feet to one corner of the house, and 95 feet to the other corner of the house. The request is to build a new home with the same setback. The request was discussed with all the neighbors, and they all approve of the request.

Vis stated that the four houses to the south of this house have less setback than the requested distance. He also talked to Jack Pierce, the neighbor in the first house to the north, and Pierce has no problem with the request.

TenCate asked how the setback would be maintained if the current house is removed. Quigg stated he had no problem with marking the existing front of the house.
Mierle asked about the minimum waterfront setback. Hill stated that the minimum is 50 feet.

Postmus asked about access to the water and rebuilding the existing stairs. Quigg stated that there is no intent to touch the stairs to the water at this time. If conditions change, he will return to the ZBA for additional approvals.

Hill stated that there is no time constraint included in the Zoning Ordinance related to waterfront setback determinations.

The public hearing was opened at 7:19 pm. There were no comments. Motion by Ketchum, support by Mierle, to close the public hearing at 7:20pm. A roll call vote was taken. The motion was approved unanimously.

TenCate expressed concern about an unlimited time for an approval. After discussion, Board members felt three to five years is acceptable.

Board members reviewed the criteria for a waterfront setback authorization.

Motion by TenCate, support by Terpstra, to approve the Waterfront Setback Determination as presented at 18973 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. The Waterfront Setback Determination shall be valid for four years.

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

VI. **Osterhaven: Accessory Building and Attached Garage Authorization at 18809 N Fruitport Road**

Ketchum noted that there are two requests, which will be considered separately.

Lon Tiffany presented the request for an attached garage authorization. The request is to expand the garage for vehicle storage. The lot is over two acres in size, and all criteria for the garage will be met, except for the total size. The square footage of the attached garage will be less than the square footage of the main living floor.

Postmus asked for a clarification of the size of the garage, as there are different numbers for the size noted in the letter, the plans and the staff review. Tiffany stated that the attached garage would be 2063 square feet total, as noted in the letter submitted. Jeff Boot stated that on Sheet A1-2, the total garage area would be 2182 square feet, and there was a typo in the letter.

Terpstra asked what was planned for the old garage. Tiffany stated that the existing 2-stall garage would still be used, and an additional 4-stall garage would be added.

Mierle stated that Sheet C1-1 shows the existing garage at 737 square feet, with an addition of 1664 square feet, for a total of 2401 square feet. Hill stated that this was the calculation used in the staff review. Tiffany stated that the site plan was probably not updated, and that the floor plan is correct.
Terpstra asked if the garage is larger than the living area square footage. Tiffany stated that the site plan was in error. The floor plan shows the correct size, which is less than the living area square footage. Hill noted that Section 322 allows an attached garage larger than the living area of the home if the lot is larger than two acres.

The public hearing for both authorization requests was opened at 8:03pm.

Ketchum noted an email was received from Todd Tracey, 18837 Legacy Point, representing himself and his neighbors Bob and Patty Tebelman, 18835 Legacy Point and Sherwood Schuitema, 18839 Legacy Point. The neighbors expressed concern about a large accessory building being built behind their homes.

Hill stated that after he received the email from Tracy he sent a link to the correct plans which were posted on the Township website. After reviewing the plans, Mr. Tracey stated that this was a different layout than what was described to him earlier, and he was not concerned anymore.

Motion by Terpstra, support by Mierle, to close the public hearing at 8:10pm. A roll call vote was taken. The motion was approved unanimously.

TenCate stated that the Board needs accurate information as to the size of the house and the total square footage of the garage, both the existing garage and the addition.

Motion by TenCate, support by Terpstra, to table both requests for additional information. A roll call vote was taken. The motion was approved unanimously.

VII. Brown: Waterfront Accessory Structure Variance and Authorization at 15896 Prospect Point

Bryon Ayers, Ayers Construction, presented the request. The homeowners currently have a set of stairs down to the water. They need to rebuild the stair system to line up with their dock. They would like to build a seating area about halfway down the bluff. They want to blend the structure into the side of the hill. They have a letter from the neighbor to the east saying they have no objection to the plan. The neighbor to the west is higher up the bluff and will not be impacted by the deck. The neighbor to the east has a similar deck to the one proposed.

Hill clarified that the homeowners are allowed a 144 square foot deck with an authorization from the ZBA. The proposed 480 square foot deck would also need a variance. The proposed roof area is unusual, as there will be no walls but there will be a roof. Also, the location of the deck is unusual, because decks are usually at the lowest level of the property.

Ketchum asked about the dimensions and height of the roof. Hill stated that the rooftop area proposed is 180 square feet. Ayers stated that the fireplace unit is being removed from the plans.

Postmus and Mierle stated a preference for a retractable or seasonal roof.
Ayers stated the roof would extend ten feet out from the retaining wall. It is proposed to make the roof 18 feet long. One idea is to make it a live roof. The purpose of the roof is to protect the wall and any television that is hung on it. It could be possible to make the roof smaller.

The public hearing was opened at 8:41pm for both the authorization and the variance. There were no comments. Motion by TenCate, support by Mierle, to close the public hearing at 8:42pm. A roll call vote was taken. The motion was approved unanimously.

Hill stated that the Board could consider the roof structure a shed, which has a 100 square foot maximum allowed with an authorization. A variance would be needed for anything larger.

Board members reviewed the criteria and conditions for the deck.

Motion by Terpstra, support by TenCate, to authorize the 144 square foot waterfront deck and to approve the variance for an additional 336 square feet of waterfront deck, without a roof, at 15896 Prospect Point 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.

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

Discussion continued on the roof structure.

Motion by Terpstra to authorize a 100 square foot roof, with the condition that the applicant return to the ZBA if they want a larger roof. The motion died for lack of a second.

Motion by TenCate, support by Postmus, to table the roof structure request so the applicant can provide more information. A roll call vote was taken. The motion was approved unanimously.

VIII. Padavic: Accessory Building Authorization at 17297 Coles Park Road

Joe Padavic presented his request for an 8x8 shed to be located behind the garage on his property. The shed will be 7 feet 10 inches high. Because the existing detached garage exceeds 600 square feet, an authorization is required for the shed. The plan for the shed is to store seasonal gardening equipment and other items, to move them out of the garage. The lot coverage with the shed will be less than the maximum allowed.

Postmus asked what material would be used for the floor. Padavic stated it would be a composite floor on steel. TenCate stated that concrete is not necessary for the proposed shed.

Terpstra noted that the 6-foot privacy fence would block the view of almost all of the shed from the neighbors, and only a small portion of the roof would be visible.

The public hearing was opened at 9:07pm. There were no comments. Motion by Ketchum, support by Terpstra, to close the public hearing at 9:08pm. A roll call vote was taken. The motion was approved unanimously.

Board members reviewed the criteria for an accessory building authorization.
Motion by Mierle, support by Terpstra, to approve the accessory structure as presented at 17297 Coles Park 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. The authorization approval is only valid for the life of the structure. If the structure needs to be replaced a new authorization will be required.

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

IX. Board Discussion

Ketchum noted that there have been several variances for waterfront decks larger than 144 square feet, and would like Hill have the Planning Commission consider changing the size limit to something larger. After Board discussion, there was agreement that a discussion of a larger size was appropriate, but there was no support for removing the requirement of a ZBA authorization for all waterfront accessory structures.

X. Adjournment

Motion by TenCate, support by Terpstra, to adjourn the meeting at 9:23pm. With a unanimous vote, the motion passed.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals