A meeting of the Spring Lake Township Zoning Board of Appeals was held at Barber School, 102 W Exchange St., Spring Lake MI 49456.

I. Call to Order
The meeting was called to order by TenCate at 7:00 p.m.

II. Approval of Minutes
Motion by delaRosa-Pearn, support by Terpstra, to approve the minutes of the August 26, 2021 meeting as presented. The motion passed unanimously.

III. Adopt Agenda
Motion by Terpstra, support by delaRosa-Pearn, to adopt the agenda as presented. The motion passed unanimously.

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

No additional information was received from the applicant. The hot tub deck has been removed from the property.

Motion by Terpstra, support by delaRosa-Pearn, to dismiss the request for a variance and waterfront setback determination, deny the original variance request, and to require the applicant to reapply if there is a need in the future. The motion passed unanimously.

VI.i. McCarthy – Variance Request to Allow an Accessory Structure in the Front Yard of a Double Frontage Lot – 17238 Laura Ave.
Michael McCarthy presented his request. He wants to build a detached garage behind his house. However, his house has two front yards – one on Laura Ave and one on Herbert Ave. Herbert Ave is not a traditional street, and is used more as a residential driveway. Laura Ave is four to five feet higher than Herbert Ave, and there is a large slope toward Herbert Ave. Other places the garage could be located would require removing a large number of trees. McCarthy stated he talked to the neighbors, and they agreed with the request.

McCarthy stated that he has removed several existing sheds, but would like to keep the 64-square foot shed that is built into his deck. The additions that were made to the shed will be removed.

Postmus asked if the shed would be used for a guest room. McCarthy stated it was for storage.
Postmus asked the height of the new garage. McCarthy stated there would be eight-foot walls, and the roof would have a 4/12 pitch.

Postmus asked if the garage would block the lake view of the neighbor. McCarthy stated the neighbor’s deck is elevated and would look over the top of the garage.

Postmus asked about the garage entrance. McCarthy stated the main door will face Laura Ave. There will be a small door for access from Herbert Ave in case he wants to store a boat. There is already a driveway in the yard.

McCarthy stated that he will obtain a survey before the garage is built.

Postmus asked about the height of the retaining wall. McCarthy stated the existing wall is three to four feet high.

Terpstra expressed concern that the garage not infringe on the road right of way.

Hill stated that even with the garage, the lot coverage would be less than the allowed 40%.

Mierle asked how many houses use Herbert Ave. McCarthy stated that four properties abut Herbert Ave, and one uses it for access to her house.

The public hearing was opened at 7:26pm.

Bob Schmitt, 17231 Lane Ave, stated that McCarthy has made a lot of improvements to the property. The proposed location for the garage will have the least impact on the neighbors.

Hill stated three letters were received.

Debra Rottschafer, 15880 Beach Dr, stated that she believes another area of the property would be more appropriate for the garage. Also, the garage will be visible from all the rooms at the back of her house.

Nancy Cook, 15884 Beach Dr, stated she signed the statement of support for the garage. However, after reviewing the plans, her understanding of the building has changed. She would prefer a smaller, shorter accessory building that would not impact the view from her house as much.

Frank Reeser III, 17239 Laura Ave, stated that he was in favor of the requested garage.

Motion by Mierle, support by Terpstra, to close the public hearing at 7:45pm. The motion was approved unanimously.

McCarthy stated that moving the garage toward the house would be impacted by the drop off in the yard, and would block the lake views of three houses.

Board members reviewed the criteria for a variance and found that all criteria were met.
Motion by delaRosa-Pearn, support by Terpstra, to approve the variance for the location of the accessory building as presented, at 17238 Laura Ave, as the application meets all of the criteria in Section 112 I of the Zoning Ordinance, 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 size of the accessory building is dependent on ZBA authorization of the total accessory building area as a Special Land Use per Section 306 F 1.
d. A survey will be performed prior to issuance of a building permit to ensure proper setbacks.

A roll call vote was taken. With Postmus as the dissenting vote, the motion passed.

Board members then considered the accessory building Special Land Use for allowing approximately 640 square feet of total accessory building area when 576 square feet of accessory building area are permitted by right. The criteria in Section 306 F 1 were reviewed. Board members felt that the area, height, and massing of the proposed accessory building was not proportional to the overall area of the lot upon which it is to be placed, and was not consistent with other residential structures in the surrounding neighborhood.

Board members asked McCarthy if he preferred keeping the small shed, or the larger garage. McCarthy stated he would like to keep the small shed, if repairs are not too expensive, and would make the accessory building smaller.

Motion by Terpstra, support by Postmus, to deny the request for additional square footage, and to allow 576 square feet of accessory building area as permitted by right.

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

VI.ii. Kihnke – Variance Request to Allow Retaining Walls Taller than Permitted by Section 348 of the Zoning Ordinance – 18767 N. Fruitport Rd

Bruce Callen presented the request for retaining walls. There are existing retaining walls under the existing elevated deck. The retaining walls are in disrepair, but cannot be replaced in the same location due to the need to support the house and the deck. Most of the proposed walls are about four feet tall. Some taller walls have screening walls to visually break up the height. There will be landscaping, and the stairs will be hidden from the lake view. There will be stamped concrete on the vertical faces of the walls. The retaining walls generally meet the intent of the ordinance.

TenCate asked when the basement piers were installed. Kevin Kihnke stated that the original deck was constructed in 1976. The rotting supports were replaced as needed. The house is moving toward the lake, and the retaining walls are necessary to hold the house in place.

Callen stated that it would be possible to use color on the large back wall to break up the look of the wall from the lake.

The public hearing was opened at 8:45pm.

Kihnke stated that he is trying to be respectful of the property and make the property visually unique. He will investigate adding something to visually break up the left side of the back wall.
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Motion by Terpstra, support by delaRosa-Pearn, to close the public hearing at 8:50pm. The motion passed unanimously.

Board members reviewed the criteria for granting a variance and found that all criteria were met.

Motion by Postmus, support by Mierle, to approve the variance as presented at 18767 N. Fruitport Road as the application meets all of the criteria in Section 112, I, 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 applicant will consider adding something to visually break up the upper left corner of the back wall.

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

VII. Adjournment

Motion by Terpstra, support by delaRosa-Pearn, to adjourn the meeting at 9:04pm. The motion passed unanimously.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals