Spring Lake Township
Zoning Board of Appeals Minutes
October 28, 2021 – Special Meeting
Barber School, 102 W Exchange, Spring Lake MI

Present: Ellen delaRosa-Pearn, Jack Ketchum, Larry Mierle, George Postmus, Rachel Terpstra
Absent: Tom TenCate
Participants: Lukas Hill, Community Development Director
Ron Bultje, Township Attorney

I. Call to Order

The meeting was called to order by Ketchum at 7:00 p.m.

II. Approval of Minutes

DelaRosa-Pearn moved to approve the minutes of the September 23, 2021 meeting as presented. Terpstra seconded the motion, which passed unanimously.

III. Adopt Agenda

Terpstra moved to adopt the agenda with the removal of Babbitt Retaining Wall and Patio Interpretation, and the addition of Board comments. DelaRosa-Pearn seconded the motion, which passed unanimously.

IV. Public Comment

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

V. Shanker – Waterfront Setback Determination – 15756 Willows Drive

Greg Ransford of Fresh Coast Planning, presented the request for a waterfront setback determination. They are seeking a definition of the building envelope to construct a new home. The request is for the house to be 45 feet from the road, six feet from the west property line, and 81 feet from the ordinary high water mark. The design was developed with a focus on viewshed preservation. The current dwelling encroaches into the 81-foot waterfront setback. A new survey found the ordinary high water mark is at the seawall, which means the house could be pulled forward. There is no intent to move the house closer to the water. The requested side yard setback is the same as or larger than the neighbors on either side. The lot is pie-shaped, and without moving the house forward the side yard setbacks are affected. The house was oriented at an angle to preserve the viewshed.

Ransford addressed concerns expressed by the neighbors. The neighbor to the west is concerned about the street view related to an existing garage. The garage will be removed as part of the construction. The neighbor to the east is concerned about the sight lines, which will be about the same as the currently existing view.

Randy Shanker, property owner, stated he bought the existing house as a cottage, but now intends to build a year-round house. The intent is to minimize the impact on the neighbors.
Mierle asked if the house could be moved closer to the street. Ransford stated they considered that option. The neighbor to the east has less land, so that may be why their house is closer to the road. Joel Terpstra, contractor, stated that moving the house toward the street affects the building envelope. Also, there is a landscaping retaining wall on the east property line which affects the placement of the house. Water access and utility placement is better with the wider, ten-foot setback. The new house will be behind the existing structure, and they would rather stay in the proposed location.

Ketchum stated the position of the home is very obstructing to the house to the east. The home to the west was moved back to preserve the view from the Shanker house. Shanker stated he would prefer that the house to the west were further from his house. He would like to ask the neighbor to the east if they prefer the house closer to theirs, or forward toward the water.

The public hearing was opened at 7:25pm.

Ed Cooney, the neighbor to the west, stated that the problem is not the setbacks and variances, it is that the proposed house and garage are too large. He would prefer the side yard setback be kept at ten feet. Also, he does not have an issue with the line of sight, his issue is with the back of the house.

Dave Hoffius, the neighbor to the east, stated his biggest concern is the sight line. When he looks to the west, which is his best view of the lake, the house will block the view.

Hill stated an email was received from David Harvey, 18309 N Fruitport Rd, stating that he is concerned about water runoff from the property.

Motion by Postmus, support by Terpstra, to close the public hearing at 7:37pm. The motion was approved unanimously.

Joel Terpstra noted the retaining wall is on the neighbor’s property. Also, the main floor of the house is 1600 to 1800 square feet.

DelaRosa-Pearn stated that her concern is with the southeast corner of the house, which blocks the view of the neighbor to the east.

Paul Harloff, architect for Shanker, suggested adjusting the house plan for the southeast corner of the house. The front wall from the corner of the deck to the corner of the house could be moved back four feet to open the view.

Ketchum asked if the deck would be open air. Harloff stated it will not have a roof, and the rail will be a cable rail which is less obvious than the current rail. The porch, which will have a roof, is landward from the neighbor’s house.

Hill noted the ordinance requires a lot coverage maximum of 25%, which includes the rooftop and deck areas.

Postmus asked about the fireplace. Harloff stated it will be a gas fireplace with no chimney.

The Board reviewed the standards for a waterfront setback determination. By consensus, the Board found the modified application to be appropriate considering the location of the buildings on the properties; the relative proximity of the proposed building to adjoining properties; and the effect of the
proposed building on adjoining properties. The Board found the remaining standards to be not applicable.

    Motion by Terpstra, support by delaRosa-Pearn, to approve the Waterfront Setback Determination at 15756 Willows Dr as modified to move the wall in the southeast corner back four feet between the corner of the house and the deck line, with the following conditions:
    a. A certificate of survey shall be included with the building permit application for the new dwelling that illustrates the exact dwelling footprint on the lot and compliance with ZBA approval.
    b. The 26’ x 14’ lower level waterfront deck shall perpetually remain an open-air deck off the main level of the home and shall not be enclosed with walls, a roof, nor expanded vertically to the second story.
    c. The applicant will comply with any other local, state and federal laws, including compliance with critical dune laws.
    d. The applicant will comply with all verbal representations as reflected in these minutes.
    e. The 25% maximum lot coverage applies.
    f. The existing detached garage will be removed.

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

VI. Babbitt – Attached Garage Interpretation and, if Needed, Authorization for an Attached Garage Greater Than 1500 Square Feet – 17840 W Spring Lake Road

Christopher Kelly, attorney, presented the request for authorization to construct an attached garage larger than 1500 square feet. Staff has determined that the proposed attached garage area is inclusive of the sports court and storage/entry areas totaling approximately 3556 square feet. The applicant has requested that the ZBA make an interpretation to clarify the garage/sports court/storage area does indeed all qualify as an attached garage.

Kelly stated that there are three interpretations for the proposed space. If the space is a sports court where a car is sometimes parked, the space is not a garage and an authorization is not needed. If part of the space is garage and part is not garage, the garage portion would meet the ordinance and an authorization is not needed. If the space is considered as all being a garage, an authorization is needed. The proposed garage complies with all requirements for an authorization.

Mierle asked about the wall separating the garage and the sports court. Kelly stated that the wall will not be built, as one open space is preferred.

Terpstra noted the house has 6000 square feet on the main floor.

Bultje stated that if cars can be parked there, it is a garage. However, the garage can have an additional use as a sports court.

Douglas DeHaan, builder, stated the property is just under 3 acres. The owners want all buildings connected and ADA compliant. They have intentionally included living space in the garage building. He has spoken to both neighbors and explained their plans.

The public hearing was opened at 8:17pm.
Hill stated a letter from Stuart and Elizabeth Kingma, 17854 W Spring Lake Road, was received. They support the plans for the house, and stated the garage fits nicely with the house and is in character with the neighborhood.

Motion by Mierle, support by delaRosa-Pearm, to close the public hearing at 8:18pm. The motion was approved unanimously.

Ketchum asked about the ceiling height in the garage. DeHaan stated it will be 24 feet, with no second floor. DeHaan stated that the garage is about one-third the size of the house and is four feet less in height than the house.

Board members stated the entire portion of the building is a garage. They therefore reviewed the criteria for an authorization for an attached garage larger than 1500 square feet.

Motion by Terpstra, support by delaRosa-Pearm, to approve the attached garage area as presented for 17840 W Spring Lake Road, as the application meets all of the criteria in Section 322, C, 13 of the Zoning Ordinance with the following conditions:

a. A restrictive covenant shall be recorded related to future land divisions per Section 322, C, 13 of the Zoning Ordinance.
b. The applicant will comply with any other local, state and federal laws.
c. The applicant will comply with all verbal representations as reflected in these minutes.

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

**VII. Maloney – 18049 N Fruitport Road**

a. **Interpretation that the proposed barn conversion meets the dwelling standards of the zoning ordinance**
b. **Variance request for a dwelling smaller than 960 square feet (if needed)**
c. **Authorization for an attached garage larger than 1500 square feet (if needed)**

Todd Bosgraaf, builder, presented the request. The existing building was used as a workshop by the previous owner. The current owners want to turn it into a guest house and workshop.

Matt Maloney, owner, stated the building does not meet current code. The workshop is a full production workshop. The back area will be more storage than recreation area. He has spoken to both neighbors and they approve of the request.

DelaRosa-Pearm asked about the proposed split. Maloney stated they would split the barn house onto its own parcel. Hill stated the existing building must become a principal dwelling so the property can be split.

Hill stated the issues are whether the living space equals 960 square feet, if the workshop plus recreation area are an attached garage, and if the aesthetics of the building are consistent with the neighborhood. If the added recreation area is a conditioned space, and considered part of the living area, the size of the house is sufficient and the garage is small enough that the house will be compliant with the ordinance.

DelaRosa-Pearm asked what is necessary to find a space is interior space. Hill stated that the space must be conditioned and must be finished space, not a warehouse-type area.
Bosgraaf stated the inside will be finished. The walls have wood paneling and insulation. The floor is epoxy-coated and there is a finished ceiling. There is a loft area toward the back. The loft in the apartment area will be removed. The walls will be insulated to meet the energy code and the house will be resided.

Hill asked if the finishes in the recreation area will be similar to those in the apartment. Bosgraaf stated they will be.

Mierle asked about the garage door on the front façade. Maloney stated they are installing carriage doors to get the woodworking equipment in and out.

The public hearing was opened at 8:47pm.

Hill stated an email was received from Mike and Sandi Reinhart, 18053 N Fruitport Road, expressing support for the project.

Motion by delaRosa-Pearn, support by Terpstra, to close the public hearing at 8:48pm. The motion was approved unanimously.

Hill stated that if the entire building meets the energy code it can be considered living space and concerns related to size are satisfied. Board members agreed the living space and attached garage standards were met.

The Board reviewed the standards in Section 322, C, 17 related to aesthetic compatibility.

Ketchum asked about the exterior finish of the house. Bosgraaf stated it will be board and batten cement. The building is made of cement block, with a flat roof and a pitched roof.

Motion by Postmus, support by Mierle, to find that the proposed building is aesthetically compatible with the neighborhood and meets the living space area, based on the standards in the zoning ordinance, with the following conditions:
   a. The entire building shall meet the energy code.
   b. The applicant will comply with any other local, state and federal laws.
   c. The applicant will comply with all verbal representations as reflected in these minutes.

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

**VIII. 2022 Meeting Dates**

Motion by Mierle, support by Terpstra, to approve the 2022 meeting dates as presented.

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

**IX. Board Comments**

Mierle asked for clarification of greenhouses related to shipping containers being used as greenhouses. The Zoning Ordinance sections were discussed and consensus of the Board, the
Community Development Director, and the Township Attorney was that shipping containers do not meet the definition of a greenhouse.

X. **Adjournment**

Mierle moved to adjourn the meeting at 9:08pm with support from Ketchum. With a unanimous vote, the motion passed.

Respectfully submitted,

George Postmus, Secretary  
Zoning Board of Appeals