SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
MARCH 24, 2022
BARBER SCHOOL, 102 W EXCHANGE, SPRING LAKE MI

Present: Ellen delaRosa-Pearn, Larry Mierle, George Postmus, Tom TenCate, Stephen Trocke
Absent: Jack Ketchum
Participants: Lukas Hill, Community Development Director

I. Call to Order

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

II. Adopt Agenda

Mierle moved to adopt the agenda as presented. DelaRosa-Pearn seconded the motion, which passed unanimously.

III. Approval of Minutes

Mierle moved to approve the minutes of the February 24, 2022 meeting as presented. 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, Fresh Coast Planning, Joel Terpstra, 56 West Home and Design, and Randy Shanker presented the request for a waterfront setback determination. In October, they received a variance related to the building footprint. They are now looking to modify the building footprint to allow for a flat wall on the west side of the house. The new plans retain the 45-foot rear yard setback and the waterfront setback, both approved in October. The east setback has been increased to 10.9 feet. The west setback request is to maintain the six-foot setback at the corner of the garage, and the nine-foot setback at the corner with the screen porch. The wall connecting these two corners will be straight between the corners. No views will be affected. The lot coverage is 15.7%. The southeast corner of the house was modified as required in the October approval, and that remains.

Postmus asked about the one-foot overhang, and how that affects the setbacks. Ransford stated that the building footprint shown is to the eaves of the home. The foundation is one foot further away from the lot line. Terpstra stated that the builder will assume the foundation is one foot less than the eaves. There will be a survey done after the foundation is poured to recertify that the foundation is in the correct place.
TenCate asked if all setbacks except for the west wall are the same as the original request. Ransford stated they are.

Mierle asked if the east side yard setback remained the same. Ransford stated that the jogs in the wall tightened a bit when the house was redesigned. There is now a 10.9-foot side yard setback on the east side.

DelaRosa-Pearn said that at the October 28 meeting it was stated that the deck is open-air, without a roof, and the rail will be a cable rail. Is that still the design? Terpstra stated that the rail will be as minimal as possible, either glass or a cable rail. Terpstra stated that he has talked to the neighbor to the east about the retaining wall, and they may be able to work with them to lower the height of the deck.

Postmus asked how much square footage was added with the design change. Terpstra stated that 144 square feet were removed with the corner change, and 225 square feet were added with the change to the west wall. The staircase needed to be moved when the corner was changed, and that took up a lot of square footage.

Mierle stated he did not want to require a cable rail.

The public hearing was opened at 7:21pm.

David Hoffius, 15746 Willows Drive, the neighbor to the east, asked for clarification that the drawing shows the footprint to the eaves. Ransford stated that the drawing shows the location of the eaves. Hoffius stated that he is still concerned about the views from the southwest corner of the house. He also stated he is willing to discuss the retaining wall issue.

An email was received from Ed and Joanne Cooney, 15760 Willows Drive, the neighbor to the west, expressing concern about the setbacks and lot coverage.

Motion by Mierle, support from delaRosa-Pearn, to close the public hearing at 7:28pm. The motion was approved unanimously.

Hill clarified that Board members are able to look at all setbacks when there is a waterfront setback determination. The applicant is asking for some reductions from the required setbacks.

DelaRosa-Pearn stated this is a very unique lot due to the shape and size, and it is difficult to place a house on the lot.

Hill stated that on October 28 the setback of 45 feet from the road was approved. The new plan includes the 4 foot by 12 foot notch as required in October. The new plan removes the notch in the west wall. He noted that if this approval is denied the October 28 approval is still valid.

The Board reviewed the criteria to be considered for a waterfront setback determination. By consensus, the Board agreed they had considered all criteria.

Motion by delaRosa-Pearn, support by Postmus, to approve the Waterfront Setback at 15756 Willows Dr. as presented as the application meets all of the criteria in Section 356 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. The drawing shall show the building footprint/drip line.

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 shall comply with any other local, state, and federal laws, including compliance with critical dune laws.

d. The applicant will comply with all verbal representations, including deck construction as discussed.

e. The existing detached garage shall be removed.

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

VI. Shields - Waterfront Setback Determination and Waterfront Accessory Structure Authorization – 3127 Judson Road

Greg Ransford, Fresh Coast Planning, Joel Terpstra, 56 West Home and Design, and Rachel and Edward Shields presented their request. The requested setbacks are 42.5 feet on the street side and 86 feet to the water. The side yard setbacks meet the ordinance. The waterfront accessory structure is a deck at the seawall. The main house will be entirely landward of the waterfront setback except for the front pavilion. Approximately two-thirds of the pavilion is closer to the water than the setback. Both neighbors provided letters of support.

The house to the south is 226 feet away, and the house to the north is 156 feet away. The viewshed of the house to the south is not affected. The viewshed of the house to the north is not affected, as there are trees along the property line that already block the view. Ransford stated that the plan meets the criteria for a waterfront setback determination.

Hill stated that the shared residential driveway is in a 33-foot easement. Hill also shared an illustration of the requested waterfront setback, the line of sight between structures, and the area of concern not meeting the average waterfront setback or line of sight.

Trocke asked if there is a plan to add a roof to the waterfront deck. Terpstra stated that there will be no roof. Most of the deck will be on the land, with a portion cantilevered over the seawall.

DelaRosa-Pearn asked if there was a consideration to move the house away from the lake. Terpstra stated they looked for the least impact on the neighbors, the topography, and the desire to keep the vegetation between the houses. The driveway has been curved to avoid large trees. Also, they need to stay away from the utilities near the road.

TenCate asked if the request could be minimized by turning the garage. Terpstra stated that rotating the garage will affect the view from the house to the north, and will not fix the entire issue.

Terpstra stated he took pictures from the neighboring properties to show the effect on their views. These pictures were shared with the Board members.
DelaRosa-Pearn asked if the pavilion portion of the house could be changed. Terpstra stated the owners want a covered outdoor area as an extension of the living and dining rooms. There will be a patio at the walkout level. The foundation for the pavilion will act as a retaining wall. The underside of the pavilion is open and will be used for the pool equipment. The view of the pavilion from the house to the north will appear as a covered deck. The view of the pavilion from the house to the south will look like a house wall with windows.

The public hearing for both the waterfront setback determination and the waterfront accessory building authorization was opened at 8:17pm.

Hill stated emails were received from Yousif and Myrna Hamati, 19044 Judson Rd, and Laura Linger, 3123 Judson Rd. Both letters were in support of the request.

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

The Board reviewed the criteria for a waterfront setback determination. By consensus, the Board agreed they had considered all criteria.

Postmus asked if the will be public water and sewer. Terpstra stated that water may be available, and he is discussing that with the Township. Sewer is not available and septic will be required.

Motion by Mierle, support by Postmus, to approve the Waterfront Setback at 3127 Judson Road as presented as the application meets all of the criteria in Section 356 with the following conditions:

a. The attached deck with a roof shall perpetually remain an open-air deck off the main level of the home and shall not be enclosed with walls nor expanded vertically to the second story.

b. The applicant shall comply with any other local, state, and federal laws, including compliance with critical dune laws.

c. The applicant will comply with all verbal representations.

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

Mierle asked if an EGLE permit would be required for the seawall. Terpstra stated that the seawall will not be touched. The deck structure will all be behind the seawall, with a cantilever over the seawall for a ladder.

The Board reviewed the criteria for a waterfront accessory building authorization. By consensus, they agreed that all criteria had been considered, and that a landscaping plan was not required for this site.

Motion by delaRosa-Pearn, support by Mierle, to approve the Waterfront Accessory Structure at 3127 Judson Road as presented as the application meets all of the criteria in Section 306 I, 5, of the Zoning Ordinance with the following conditions:

a. The deck shall remain an open-air deck and shall not be enclosed with walls or a roof.

b. The applicant shall comply with any other local, state, and federal laws, including compliance with critical dune laws.

c. The applicant will comply with all verbal representations.
A roll call vote was taken. The motion was approved unanimously.

VII. Adjournment

TenCate moved to adjourn the meeting at 8:37pm with support from delaRosa-Pearn. With a unanimous vote, the motion passed.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals