SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
JUNE 23, 2022
BARBER SCHOOL, 102 W EXCHANGE, SPRING LAKE MI

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

I. Call to Order

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

II. Adopt Agenda

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

III. Approval of Minutes

Postmus moved to approve the minutes of the March 24, 2022 meeting as presented. TenCate seconded the motion, which passed unanimously.

IV. Public Comment

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

V. Prelesnik – Attached Accessory Building Variance – 18753 174th Ave

Steve Prelesnik presented his request for a variance to split his property into four lots and to keep the oversized accessory building. He intends to attach a dwelling to the accessory building. The dwelling plus accessory building will meet the lot coverage standard. The house will be designed to look similar to the house that will remain on the parent parcel. Prelesnik stated he talked to Hill about the split to keep the house on one lot, the accessory building on one lot, and to create two vacant lots, and Hill stated the split could be accomplished administratively.

Hill noted that he learned about the large accessory building after the split application was submitted. He also noted that the request is for an oversized attached garage, as the house will be attached to the accessory building.

TenCate asked about the foundation of the existing building. Prelesnik stated it is a permanent concrete foundation.

Postmus asked if the accessory building has a second floor. Prelesnik stated it has a U-shaped loft.
Trocke asked for clarification about the permanent foundation of the accessory building. Prelesnik stated it's a six-inch concrete floor with posts in the concrete.

Postmus asked if the accessory building has water and sewer. Prelesnik stated it does have water and sewer, as well as electricity and gas. There is a small bathroom in the building.

Ketchum asked if the house will be free-standing. Prelesnik stated they do not want to remove many existing trees, so attaching the house to the existing accessory building minimizes the tree removal.

Postmus asked if the neighbors had been informed of the project. Prelesnik stated that he talked to the people in the duplex to the south, and they had no problems with the project. The other neighbors are industrial uses. His intent is to use the lot on the corner, along with Parcel A, to build affordable housing.

Ketchum asked if the stakes on site were accurate, as it appeared the house was blocking the garage door. Prelesnik stated they are accurate, and the garage door will be removed to make the building look more like a house.

Ketchum asked about the color of the accessory building. Prelesnik stated they would paint the building to match the house.

Ketchum asked if there is a plan to extend the living area into the accessory building. Prelesnik stated that they will eliminate the garage door on the east side and make the house and accessory building blend together. He is not sure if they will extend any living area into the accessory building.

Dela-Rosa Pearn asked if the drawing of the house submitted with the ZBA application is preliminary, because the current proposed house is bigger. Prelesnik stated that the drawing was a preliminary idea due to time constraints. He has other ideas to make the house look nice, and will be extending the house further along the east side of the accessory building.

The public hearing was opened at 7:24pm. There were no comments. Motion by TenCate, support by dela-Rosa Pearn to close the public hearing at 7:25pm. The motion was approved unanimously.

TenCate asked Hill if some splits could be done now, and others later after more information is received. Hill stated that the pole barn is already nonconforming, so splitting the lot makes it more nonconforming. That split cannot be done administratively, and must be approved by the ZBA.

TenCate reviewed Section 322 C 5 of the Zoning Ordinance. He questioned whether attaching something to the pole barn is feasible. He stated he would like more information on the design of the house, the extent the living area extends into the accessory building, and the construction and foundation of the pole barn.

Ketchum asked whether the shed on Parcel A will be removed. Prelesnik stated it is already gone.
Hill noted that if the pole barn was removed, the split could happen administratively. At that point, the owner could build a home on the parcel that meets code and the ZBA would not have any control over the appearance of the house.

The Board reviewed the criteria for a variance. By consensus, they found that all conditions were met. There was additional discussion about the exceptional or extraordinary circumstances and whether they were self-created. Part of the Board felt that the circumstances were self-created because of the request for the split. The others felt that the circumstances were not self-created because the accessory building was on the lot when Prelesnik purchased the property.

Motion by dela-Rosa Pearn, support by Ketchum, to approve the variance to add a dwelling to the existing accessory building on Parcel B at 18753 174th Ave as the request meets all of the criteria in Section 112 of the Zoning Ordinance with the following conditions:

a. The applicant shall comply with any other local, state, and federal laws.
b. The applicant will comply with all verbal representations.
c. The applicant will comply with all applicable building codes and Township zoning ordinances.
d. A full set of drawings shall be submitted,

A roll call vote was taken. TenCate and Trocke voted no. Ketchum, dela-Rosa Pearn and Postmus voted yes. The motion was approved.

VI. Buschman - Waterfront Setback Determination – 17818 Channel View Dr

Bill Buschman presented the request to replace an existing roof structure on the water side of his house. The roof structure needs to be repaired or replaced. Buschman is requesting approval to replace the roof structure with a deck the same size as the roof. The deck will have an invisible cable rail. Buschman stated he has talked to all the neighbors and they are all in favor of the project. He is also proposing a catwalk instead of stairs so no views will be blocked. The existing window will be replaced with sliding doors.

The public hearing was opened at 7:53pm. There were not comments. Motion by Postmus, support by dela-Rosa Pearn to close the public hearing at 7:54pm. The motion was approved unanimously.

The Board considered the criteria for a waterfront setback determination.

Motion by Postmus, support by Trocke, to approve the waterfront setback as presented as the determined setback meets all of the criteria in Section 356, C, of the Zoning Ordinance with the following conditions:

a. The applicant shall comply with any other local, state, and federal laws.
b. The applicant will comply with all verbal representations.
c. The deck shall remain open air, with no roof or walls.

A roll call vote was taken. The motion was approved unanimously.
VII. Thormeier – Variance and Accessory Building Authorization – 19045 Elizabeth Ct

Norman Dodds presented the request for a 1200 square foot accessory building as allowed by the association. The Township would allow a 960 square foot accessory building. The accessory building will have a peak height of 24 feet 2 inches so the roofline matches that of the house. There are trees on three sides of the proposed location, which is the best place on the property to hide the building. The accessory building will be in a front yard as the property is bounded by three streets.

TenCate asked if the association has road setback requirements. Dodds stated that the setbacks are those defined by the Township.

Postmus asked about landscaping. Dodds stated that there will be lawn on the driveway side, and existing trees on the other three sides.

Dela-Rosa Pearn asked about the peak height. Dodds stated that the roof will match the slope on the house, which has a high roof. Only a small peak exceeds the limit.

Dela-Rosa Pearn asked if there will be a second floor on the building. Dodds stated there will be a second floor for storage.

Ketchum asked if there will be water and sewer run to the building. Dodds stated that there will not be, as there is no plan for a bathroom. The building will be a four-stall garage with storage.

Postmus confirmed that the accessory building will match the house. Dodds agreed it will match.

Ketchum asked Dodds if he is confident that there will be enough remaining trees for screening. Dodds stated there will be enough trees.

Ketchum asked how runoff will be handled. Dodds stated that there will be rain gutters and drain tile like the house.

Ketchum asked if the project has been discussed with the neighbors. Dodds stated he asked the homeowners to talk to the neighbors, and he has not heard anything.

The public hearing was opened at 8:05pm. There were no comments. Motion by TenCate, support by Dela-Rosa Pearn, to close the public hearing at 8:06pm. The motion was approved unanimously.

TenCate asked about the chosen location for the accessory building. Dodds stated it was chosen to hide the building in dense trees. There is no other place to put it because of the three streets.

Ketchum stated that the variance and authorization will be considered separately.

The Board reviewed the criteria for a variance for an accessory building in the front yard. By consensus, it was agreed that all criteria were met.
Motion by Postmus, support by dela-Rosa Pearn, to approve the variance at 19045 Elizabeth Court for a 960 square foot accessory building as allowed by right in the front yard as the application meets all of the criteria in Section 112 of the zoning ordinance with the following conditions:

a. The applicant shall 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.

The Board then considered the criteria for an accessory building authorization.

Motion by dela-Rosa Pearn, support by Postmus, to approve the Accessory Building Authorization at 19045 Elizabeth Court for a 1200 square foot accessory building with a peak height of 24 feet 2 inches as the application meets all of the criteria in Section 306, F, of the zoning ordinance with the following conditions:

a. The applicant shall 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.

VIII. Charnley – Accessory Building Authorization – 19128 Rosemary Rd

Norman Dodds presented the request for a 1200 square foot accessory building as allowed by the association. The Township would allow a 960 square foot accessory building. The accessory building will have a peak height of 24 feet 2 inches so the roofline matches that of the house. There will be no bathroom. There will be storage above the main floor. Runoff will be handled by rain gutters and drain tiles. The building will be 104 feet from the road and 12 feet 4 inches from the property line. Five white pines will be added along the property line for screening. The trees will be six to eight feet tall when planted. The rest of the area around the accessory building will remain grassy.

Ketchum asked how the trees will be maintained so they survive. Dodds stated the homeowners will tend to the trees.

Trocke asked if the neighbors had been contacted. Dodds stated that they received a letter from Michael and Valerie Volkema, the neighbors to the south, supporting the request.

The public hearing was opened at 8:26pm.

An email from Michael and Valerie Volkema, 19102 Rosemary Rd, was received in support of the project.

Motion by dela-Rosa Pearn, support by Postmus, to close the public hearing at 8:27pm. The motion was approved unanimously.

The Board considered the criteria for an accessory building authorization.

Motion by Postmus, support by dela-Rosa Pearn, to approve the Accessory Building Authorization at 19128 Rosemary Road for a 1200-square foot accessory building with a peak height
of 24 feet 2 inches as the application meets all of the criteria in Section 306, F, of the zoning ordinance with the following conditions:

a. The applicant shall 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.

IX. **Sievertsen - Waterfront Setback Determination – 18295 N Fruitport Rd**

Erik Sievertsen and Norman Dodds presented the request for a waterfront setback determination. Sievertsen stated they are looking for a compromise on the setback. His property is lower than the properties to the north and south. He is proposing a flat roof, so the new roof will not be higher than the existing roof. If the house is moved back it will need to be taller and his view will be obstructed because he has a pie-shaped lot. The neighbor directly to the north has a grinder station in the yard, so that house is set far back from the water. Hill allowed the consideration of the house two to the north for determination of the setback. The views of the neighbors will be improved because existing trees will be removed.

Postmus asked when the original structure was built. Sievertsen stated it was built 100 years ago.

Postmus asked for and received clarification on the location of the grinder station.

Ketchum asked if he had spoken to the neighbors. Sievertsen stated that he had mentioned it, but not really talked to the neighbors as he is only looking for a setback determination.

Dodds stated they have surveys for all five lots in consideration. The neighbors are concerned about accuracy of the measurements, but he is working from the surveys.

Postmus asked about the proposed house. Dodds stated the basement will remain where it is, and the lot will be filled to the level of the sidewalk.

The public hearing was opened at 9:00pm.

Nick Colone, 18301 N Fruitport Rd, stated that Sievertsen knew what the lot was like when he purchased it. He also stated that it is not just to not take his home into consideration. The new home will impact his view. No plans for the waterfront setback determination have been shared.

Kevin Priddy, 15997 Vinecrest, stated he believes the ordinance should be followed. The building envelope should be set based on the ordinance, and then the property owners could request a variance. The setback should be based on the two nearest neighbors.

Jamie Sievertsen, 18295 N Fruitport Rd, stated that she talked to the neighbors two to the north and two to the south. She also talked to Sarah Somers and thought they were good with the plans. She contacted Nick Colone on Monday due to schedule conflicts.

Trent Sievertsen, 18295 N Fruitport Rd, stated that he helped his parents choose the property. They are a family of six, and if the house is pushed back to the required line it will be hard to design a house big enough for the family.
Letters were received from John and Sarah Somers, 18283 N Fruitport Rd, and from Nick Colone, 18301 N Fruitport Rd, both requesting a denial of the presented waterfront setback.

Motion by dela-Rosa Pearn, support by TenCate, to close the public hearing at 9:14pm. The motion was approved unanimously.

Hill stated that the definition of an unusual shoreline includes the shoreline and any buildings. This site has unique shoreline undulations and seawalls/manmade shoreline. In addition, one home is set far back from the waterfront. The intent of the ordinance is to protect viewsheds. When the situation is unusual, Hill brings it to community members as represented by the ZBA to make a determination.

The Board discussed the criteria for a waterfront setback determination.

TenCate discussed various ways to determine the setback. For example, looking at houses in the area it appears that they are all approximately 80 feet from the water, except for the neighbor to the north. Using that average setback from the shoreline would be unfair to the neighbor to the north. Using a straight line between the house two to the north and the house to the south is the fairest to all parties.

Motion by Postmus, support by Trocke, to request the Township Attorney write a Resolution of Delineation based on the line between the house two to the north and the house to the south, depicted as an orange line in the staff memo dated June 9, 2022. The motion was approved unanimously.

X. Adjournment

TenCate moved to adjourn the meeting at 9:38pm with support from Ketchum. With a unanimous vote, the motion passed.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals