SPRING LAKE TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
MAY 25, 2023
BARBER SCHOOL, 102 W EXCHANGE, SPRING LAKE MI

Present:         Ellen delaRosa-Pearn, Jack Ketchum, Larry Mierle, George Postmus, Tom TenCate,
                 Stephen Trocke
Absent:          None
Participants:    Lukas Hill, Community Development Director

I.  Call to Order
    The meeting was called to order by Ketchum at 7:03:41 p.m.

II. Adopt Agenda
    TenCate moved to adopt the agenda as presented. Dela-Rosa Pearn seconded the motion, which
    passed unanimously.

III. Approval of Minutes
    Dela-Rosa Pearn moved to approve the minutes of the April 27, 2023 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. Slajus – Waterfront Setback Determination – 15557 Oak Drive
    Paul and Alice Slajus presented their request. They need a waterfront setback determination for
    a deck project. The current deck needs to be replaced. The deck is small and they want to add a lower
    level. The upper level will be the same as the existing deck. There will be steps down to the lower
    level, and steps from the lower level to the existing patio. Storage will be added under the lower level,
    which will allow them to move things off the waterfront. Landscaping has already been added because
    of a six-foot dropoff in the yard. This addition will let people easily access the waterfront. They have a
    letter of support from neighbors Bill and Sue Arnold, stating the deck will not interfere with their view.
    Their other neighbor has a pool and shed forward of where the deck will be.

    Bruce Callen, Callen Engineering, noted that the only obstructed views to the east are due to
    trees and a shed. There are no obstructions to the west. The lower level deck was lowered to minimize
    the impact on the view. Cable rails will be used to minimize the impact.

    Ketchum asked if there would be ramping. Callen stated there will be some ramps. The upper
deck will be accessible from the back yard. Other parts of the deck will not be accessible due to the
    slopes.

    Postmus asked if the upper deck will be the same as the existing deck. Callen stated they are
    just redecking the upper deck, and waterproofing it to keep the storage area dry. Cable rails will be
    added. The sliding barn door will be kept. Posts will be added for a possible shade sail. Landscaping
    will be added to screen the storage under the lower deck.

    Postmus asked about the location of the stairs. Callen said the location was chosen to tie the
    deck to the patio.
Dela-Rosa Pearn asked if the owners had spoken to the neighbor to the west. Alice Slajus stated they had not, but the neighbors are aware they are putting in a deck. Callen noted that the deck will be totally screened from the neighbors by the existing arborvitae. Also, the neighboring property is higher than this property.

TenCate asked about the shade sail, and whether it would be installed for the entire summer. Callen stated it would only be installed on the upper level and would be left up for the entire summer. The shade sail will be more focused to the west due to the location of the sun.

The public hearing was opened at 7:22pm. There were no comments beyond the comment included in the application. Motion by TenCate, support by dela-Rosa Pearn, to close the public hearing at 7:23pm. The motion passed unanimously.

The board considered the waterfront setback determination criteria and found that all items had been addressed.

Motion by Postmus, support by Mierle, 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:
1. The new deck area remains open-air with no walls or roof.
2. Any future structures beyond the line of sight setback of 107 feet as illustrated in the Hill memo dated May 12, 2023 require a new Waterfront Setback review.
3. The applicant shall comply with any other local, state, and federal laws.
4. The applicant will comply with all verbal representations.

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

VI. Mumby – Accessory Building Authorization – 16272 152nd Ave
Troy Mumby presented his request for an accessory building in the front yard of a flag lot, and an accessory building larger than permitted by right.

Hill noted that this application was expected to be on the June agenda, but Hill added it to the May agenda. He has been working with Mumby to get the necessary information. A site plan and scaled drawings were provided. A wetland delineation has been conducted. Also, there was some confusion about the size of the property. There is an approved lot line adjustment, but the deed needs to be recorded to finalize the change. Hill has a letter from the current owner stating that Mumby can apply for an authorization on their behalf. The deed will be recorded on May 26, 2023. A shared residential drive will need to be constructed, and they are working through the process. The Fire Department will review the drive and may require an adjustment.

TenCate asked the applicant if he had adequate time to prepare for the meeting. Mumby stated he was okay with proceeding, but if it was tabled he would understand.

TenCate asked when the lot was created. Hill said the original split was in 2006. The lot line adjustment was approved in January, 2023. Mumby stated he bought five acres and split it in half. However, he needed more land to build a house on the back lot. He has an easement for the driveway.
Mumby stated he wants a pole barn for storage. The size is a little bigger than allowed by right due to the cantilevered roof off the side. The actual enclosed building is 960 square feet.

Ketchum asked for clarification on how square footage was determined for an accessory building. Hill stated the size is measured as the foundation and up to a two-foot eave. If the overhang is larger than two feet it counts as part of the square footage.

Postmus asked where the garage door will be located. Mumby stated it will be facing southeast. The cantilever will be located toward the wetlands.

Mierle asked if the county was aware of a new curb cut being installed. Mumby stated he has a driveway permit from the county. He also has an easement on the front lot.

Mierle asked if municipal water would be installed. Mumby stated it would be installed. There is no sewer available.

Mierle asked if Mumby has a septic permit, and how the drainfield was designed. Mumby stated he has a permit, and the county makes the design determination. There will be a tank by the house. The sewage will be dosed and pumped to the drainfield.

Ketchum asked about adjustments that may be required by the Fire Department, and what would be required of the ZBA. Hill stated that there may be the need to add additional surface to the driveway to allow a truck to turn around. Ketchum asked if additional latitude would be needed in an approval for Fire Department requirements. Postmus asked if a condition on an approval would be needed, requiring Fire Department approval of the driveway. Hill stated that neither adjustment would be needed, as there should be enough space by the accessory building.

Mierle asked about setbacks. Mumby stated the front setback is marked at 33 feet. The side setback is much greater than 10 feet.

Hill noted that the driveway process will need to be completed. TenCate stated that if there is no approval the applicant may not be able to build the building.

Mierle asked why the building was set at an angle. Mumby stated that the angle put the garage door toward the house, and avoided the wetlands.

Mierle asked about utilities in the building. Mumby stated he is only installing electricity. There will be a cement floor, and pole barn style construction. The building will have siding and asphalt shingles. The shingles will match the shingles on the house. The siding will be similar, but the color may be different.

Ketchum asked about landscaping. Mumby stated they have been adding trees along the north side. He did not plan to add any trees to the south. Ketchum stated that he would like some landscaping around the building or along the west property line to break up the look.

Ketchum asked why the accessory building is proposed to be to the west, and the house to the east. Mumby stated he could not fit a house the size he wants to the west, especially knowing the drainfields were going to be in the northwest portion of the lot.
Ketchum asked about the water table, and if the house would be on a slab. Mumby stated there will be a crawl space. The footings should be right above the water table.

Postmus asked why the house is not being built first. Mumby stated he needs the storage more than he needs the house, so he will build both at the same time.

The public hearing was opened at 7:59pm.

Larry Vink, 16220 152\textsuperscript{nd} Ave, the neighbor to the south, stated that the proposed south property line setback is 10 feet, but that lot line is adjacent to his front yard. He is concerned about the setback. He had to split his property to change where his front yard is so he could build a garage. He is also concerned about footing drains and water going to the bayou. He is concerned that the drainfields are too close to the previous creek. He is not opposed to the project, except for the south property line setback.

Hill noted that Vink also sent a letter with the same comments.

Motion by TenCate, support by dela-Rosa Pearn, to close the public hearing at 8:08pm. The motion was approved unanimously.

Hill noted that when he reviews the zoning application for the home it will include a review of all setbacks.

Ketchum stated he is still concerned about screening the building. Mumby noted that they have planted 75 lilacs on the north side. Ketchum asked about the west property line. Mumby stated there will be evergreens planted there.

Tracey Brightbush stated he spoke to the neighbor to the north, who was concerned about what they would see. They have planted lilacs and other trees. With the building on an angle it won’t be as visible. There are already some trees on the south property line.

Ketchum stated he was still concerned about landscaping. Mumby stated he will submit a landscaping plan. Consensus was that Hill can approve the plan administratively.

Ketchum asked how rainwater from the roof would be handled. Mumby stated there would be gutters routed to drain tile.

Postmus asked about the roof height. Mumby stated it was within the allowed limit. Hill stated the height is 16 feet 7 inches.

The board considered the criteria for an accessory building in the front yard of the flag lot. They agreed that a landscape plan should be provided, and a restrictive covenant was not necessary.

Motion by TenCate, support by dela-Rosa Pearn, to approve the Accessory Building in the front yard of a flag lot as presented as the application meets all of the criteria in Section 306 G, 2, of the zoning ordinance with the following conditions:

1. The layout of pole barn shall be approved by the Spring Lake Fire Chief to ensure adequate turn around space.
2. All wetlands and wetland setback areas are to remain in a natural state.
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3. A silt fence shall be installed along the entire wetland setback boundary in advance of any earth work.
4. The applicant shall comply with any other local, state, and federal laws.
5. The applicant will comply with all verbal representations.
6. Landscaping or screening around the building shall be provided at a minimum starting height of four feet.
7. Enclosure of the cantilever portion of the building shall require ZBA approval.

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

The board then considered the criteria for an accessory building larger than permitted by right. By consensus, they found all criteria had been considered and that a restrictive covenant was not necessary.

Motion by dela-Rosa Pearn, support by Postmus, to approve a larger accessory than permitted by right as presented as the application meets all of the criteria in Section 306, F, of the zoning ordinance with the following conditions:

1. The applicant shall comply with any other local, state, and federal laws.
2. The applicant will comply with all verbal representations.
3. Landscaping or screening around the building shall be provided at a minimum starting height of four feet.
4. Enclosure of the cantilever portion of the building shall require ZBA approval.

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

VII. Adjournment
TenCate moved to adjourn the meeting at 8:39pm with support from Ketchum. With a unanimous vote, the motion passed.

Respectfully submitted,

George Postmus, Secretary
Zoning Board of Appeals