ZONING BOARD OF APPEALS

AGENDA
November 10, 2020
7:00 P.M.

Join the meeting from your computer, tablet or smartphone:
https://www.gotomeet.me/GordonGallagher/spring-lake-planning--zoning
You may also dial in using your phone:
United States: +1 (872) 240-3212 Access Code: 814-488-661

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Consideration of October 13, 2020 ZBA Minutes
5. Public Comment related to non-agenda items
6. New Business:
   a. Hernandez - Variance requests to reduce the required front and rear yard setbacks at 108 Mason St.
      i. Presentation by Applicant
      ii. Follow up questions by ZBA
      iii. Public Hearing
      iv. Deliberation
      v. Motion
   b. Overhuel - Variance request to reduce the required front and side yard setbacks at 316 N. Jackson
      i. Presentation by Applicant
      ii. Follow up questions by ZBA
      iii. Public Hearing
      iv. Deliberation
      v. Motion
7. Adjournment
APPEAL APPLICATION
ZONING BOARD OF APPEALS

VILLAGE OF SPRING LAKE
PLANNING DEPARTMENT
102 WEST SAVIDGE STREET, SPRING LAKE, MICHIGAN 49456
PH: 616-842-1393  FAX: 616-847-1393
www.springlakevillage.org

FEE: $350.00 (plus costs*)

Date: 10/5/2020   Applicant: Tony & Carla Hernandez

Applicant Phone: 630 291-7288   Applicant Address: 620 E Willow Ave, Wheaton IL 60187

Owner: Daniel & Carol Sedlock   Anthony & Carla Hernandez   Owner Phone: 616 846-4399 630 291-7288

Owner Address: 301 N Buchanan St, Spring Lake, MI 49456  620 E Willow Ave, Wheaton, IL 60187

Project Address: 108 Mason Street, Spring Lake, MI 49456

Parcel #: 10-08-15-331-004   Zoning District: SFR-A

Type of Appeal Requested: ( ) Interpretation  ( ) Dimensional Variance  ( ) Administrative Appeal

Zoning Ordinance Section Number: Section 390.26

Description of Request: Reduction of front yard setback from 25' to 17' and backyard setback from 25' to 21.5'.

Description of Case: (Fill out only the items that apply)

1. Present Zoning Classification of Property: 401 Residential

2. Description of property:
   a. Size of Lot: 103' x 80' x 56' x 60' x 45' x 140'
   b. Area of Lot: 10940
   c. Is lot a corner or interior lot? interior

3. Description of Existing Structures:
   a. Number of buildings now on premises: 2- house & shed
   b. Size of each building now on premises: Approx 1100 sf & 83 sf
   c. Use of existing buildings on premises: residential & storage/play
   d. Percentage of lot coverage on ground level: Approx 119%

4. Description of proposed structure:
   a. Height of proposed structure: 27'
   b. Dimensions of building or addition to be constructed:  
   c. Area of building or addition to be constructed: 1899 sf for house & garage
   d. Percentage of lot coverage of building or addition: 17.49%

Rev. 4/09
5. Existing setbacks measured from property lines:
   a. Front yard: 9.6'
   b. Side yard: 21.1'
   c. Side yard: 45.4'
   d. Rear yard: 30'
   e. Other: __________

6. Proposed setbacks after completion of building or addition (measured from property line):
   a. Front yard: 17'
   b. Side yard: 10'
   c. Side yard: 29'
   d. Rear yard: 21.5'
   e. Other: __________

7. A site plan, drawn to scale, of the above information shall accompany this application. The sketch shall be no smaller than 8 1/2” x 11” in size. The Zoning Administrator may require a survey drawing. The legal description of the property must also be provided.

8. Article and Section number of the Zoning Ordinance that is being appealed: Article III Section 340-26

9. Reason for Appeal (use additional sheets if necessary):
   a. Interpretation of Zoning Ordinance is requested because (include Section number): NA
   b. Reason for appeal of administrative decision (include Section number if applicable): NA
   c. Description of how the variance request meets the 3 standards in Section 21.4. All standards must be met. (Use additional sheets if necessary).
      i. That there are exceptional or extraordinary circumstances or conditions applying to the property in question which are different from other properties in the same zoning district or result from conditions which do not exist throughout the Village of Spring Lake.
         See attached
      ii. That such variance is necessary for the preservation and enjoyment of a substantial property right and that the need for such variance was not created by the applicant. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
         See attached
iii. That the granting of such variance will not be of substantial detriment to adjacent property or materially impair the intent and purposes of this Ordinance or the public interest.

See attached

Property Owner’s Signature:  

[Signature]  
Date: 10/5/20
Date: 10/25/20
Date: 10/26/20

RELEASE FORM

The Undersigned has applied to the Village of Spring Lake Zoning Board of Appeals for consideration of the request detailed on the application above. The undersigned hereby authorizes the members of the Zoning Board of Appeals and appropriate Village staff members to inspect the property indicated on the application at reasonable times in regards to consideration of the request.

Applicant’s Signature:  
[Signature]  
Date: 10/5/20
Date: 10/26/20

Owner’s Signature:  
[Signature]  
Date: 10/25/20
Date: 10/26/20

*The applicant is responsible for any additional costs incurred by the Village for professional review such as, but not limited to, engineering services or legal review, associated with the application. The Village may require a deposit to cover the anticipated costs.
9.c.i.
The irregular shape of this lot (a shallow, wide piece next a one deep, narrow piece) creates a challenge to locate the placement of a home and garage while conserving green space. Since the overall width of the property is 103’, we do not have a problem with the side yard setbacks. However, meeting the front and back setback requirements with the two different depths of the property (80’ and 140’) is an issue, especially since the deep part is only 45’ wide.

9.c.ii.
We are requesting this variance in order to retain as much of the green space in the backyard of the deep part of the lot as possible. We have used this area as a gathering space for family events and a play space for children.

The front yard variance of 8’ from 25’ to 17’ is needed for the construction of the front porch. The actual exterior of the home will meet the 25’ setback. The side-entry garage will be setback 31’ from the front property line.

The back yard variance of 3’6” from 25’ to 21’6” is needed for a 4’6” section of the home. The remaining 35’ of the home will be 81’6” from the rear lot boundary. The garage will be 25’ from the rear lot boundary.

9.c.iii.
The granting of this variance will not be a detriment to adjacent properties as the new home will still maintain reasonable setbacks in relation to other homes in our area. The backyard also has a natural border of trees to create delineation between the adjacent properties.
620 East Willow Avenue  
Wheaton, IL 60187

Spring Lake Village Zoning Board of Appeals  
102 West Savidge Street  
Spring Lake, MI 49456

October 5, 2020

Re: 108 Mason Street

Dear Zoning Board of Appeals Members:

My husband, Tony and I are co-owners of the home at 108 Mason Street with my parents, Daniel and Carol Sedlock. My parents have lived across the street from this residence at 301 North Buchanan for the past 35 years. My husband and I live in Wheaton, Illinois with our five children. We stay in this 2 bedroom, 1-1/2 bathroom home on Mason Street when we visit our family in the Spring Lake area several times a year. Since it is across the street from my parents’ home, it is the ideal location for us.

This home has served us well for the past 10 years but as an older home, it is in need of mechanical and structural updates. This past spring’s rain also created water issues in the basement. Our original intention was to renovate and build an addition, but after realizing the costs and the unknown issues related to such a project, we decided that building a new home on the property would better address the issues of the current 100+ year old home.

We would like to build a 2,100 square foot home with 3 bedrooms, 2-1/2 bathrooms and a 2-car garage on this property while maintaining a usable and open green space in the back yard. The new home plans require your approval of a variance request since the proposed front yard setback of 17’ and the back yard setback of 21’6” do not meet the required 25’ for each. The setback variances are necessary in order to build a modest home that meets our family’s needs, on an irregular lot while preserving optimal green space.

We look forward to your response to our request. If you should need additional information or have any questions, please do not hesitate to contact me at (630) 291-7288 or my parents at (616) 846-4399.

Thank you for your time and consideration.
Sincerely,

Carla Hernandez

Enclosures:
6 copies – Application
6 copies – Site plan
6 copies – Building elevations
Check #3188

CC: Daniel and Carol Sedlock
    Tony Hernandez
Description: Parts of lots 7 and 12, block 7, Bryants addition to the Village of Spring Lake, Ottawa County, Michigan, described as: Commencing 21 feet East of the Northwest corner of Lot 7; thence south 140'; thence east 45'; thence north 60'; thence east 58'; thence north 80'; thence west 103' to the point of beginning.
DESCRIPTION: Parts of Lots 7 and 12, Block 7, Bryant’s Addition, Section 15, T8N, R16W, Spring Lake Township, Ottawa County, Michigan, described as: Commencing 21 feet East of the Northwest corner of Lot 7; thence South 140 feet; thence East 45 feet; North 60 feet; thence East 58 feet; thence North 80 feet; thence West 103 feet to the point of beginning.

PROPERTY ADDRESS: 108 Mason St

WE HEREBY CERTIFY that the buildings and visible improvements are located within the lands and property herein described and that there are no encroachments except as shown hereon.

LEGEND
- Found Iron Stake
- Set Iron Stake
- Set Wood Stake
- Utility Pole
- Fence Line

D = Deeded
P = Platted
M = Measured

Building
Deck
Concrete
Asphalt
Gravel

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.
will be changed to side entry garage
APPEAL APPLICATION
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PLANNING DEPARTMENT
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PH: 616-842-1393 FAX: 616-847-1393
www.springlakevillage.org

FEE: $350.00 (plus costs*)

Date: 10/6/20  Applicant: JEREMY HERSMAN (L S HERSMAN BUILDERS INC.)
Applicant Phone: 616-299-3956  Applicant Address: 923 ADA MI 49301
Owner: VARIOUS  Owner Phone
Owner Address: 7273 07110 CT W, ROCKFORD MI 49341
Project Address: 816 N JAKSON SPRING LAKE MI 49456
Parcel #: 70-03-15-327-001  Zoning District:

Type of Appeal Requested:  ( ) Interpretation  ( ) Dimensional Variance  ( ) Administrative Appeal

Zoning Ordinance Section Number:

Description of Request: To rebuild the home on existing footprint

Description of Case: (Fill out only the items that apply)

1. Present Zoning Classification of Property: Suburban Farm

2. Description of property:
   a. Size of Lot: 53' x 130'
   b. Area of Lot: 6875
   c. Is lot a corner or interior lot? CORNER LOT

3. Description of Existing Structures:
   a. Number of buildings now on premises: 0
   b. Size of each building now on premises: 24' x 72
   c. Use of existing buildings on premises: SUBURBAN FARM
   d. Percentage of lot coverage on ground level: 25%'

4. Description of proposed structure:
   a. Height of proposed structure: 30'
   b. Dimensions of building or addition to be constructed: 24' x 72
   c. Area of building or addition to be constructed: 100%'
   d. Percentage of lot coverage of building or addition: 25%'

Rev. 4/09
5. Existing setbacks measured from property lines:
   a. Front yard: 35'
   b. Side yard: 5.5'
   c. Side yard: 25'
   d. Rear yard: 1.5'
   e. Other: 

6. Proposed setbacks after completion of building or addition (measured from property line):
   a. Front yard: 35'
   b. Side yard: 5.5'
   c. Side yard: 25'
   d. Rear yard: 1.5'
   e. Other: 

7. A site plan, drawn to scale, of the above information shall accompany this application. The sketch shall be no smaller than 8 1/2” x 11” in size. The Zoning Administrator may require a survey drawing. The legal description of the property must also be provided.

8. Article and Section number of the Zoning Ordinance that is being appealed: 

9. Reason for Appeal (use additional sheets if necessary):
   a. Interpretation of Zoning Ordinance is requested because (include Section number): 
      
   b. Reason for appeal of administrative decision (include Section number if applicable): 
      
   c. Description of how the variance request meets the 3 standards in Section 21.4. All standards must be met. (Use additional sheets if necessary).
      
      i. That there are exceptional or extraordinary circumstances or conditions applying to the property in question which are different from other properties in the same zoning district or result from conditions which do not exist throughout the Village of Spring Lake.
         
      ii. That such variance is necessary for the preservation and enjoyment of a substantial property right and that the need for such variance was not created by the applicant. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
         
Rev. 4/09
iii. That the granting of such variance will not be of substantial detriment to adjacent property or materially impair the intent and purposes of this Ordinance or the public interest.

Property Owner’s Signature: Valois Arzechul
Date: 10/16/20

Applicant’s Signature
Date: 10/16/20

RELEASE FORM

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Applicant’s Signature
Date: 10/16/20

Owner’s Signature
Date: 10/16/20

*The applicant is responsible for any additional costs incurred by the Village for professional review such as, but not limited to, engineering services or legal review, associated with the application. The Village may require a deposit to cover the anticipated costs.
10/16/2020

Proposed project:

316 N. Jackson
Spring Lake, MI 49456

We are asking for a variance to rebuild the home at 316 N. Jackson. After quoting out remodeling and adding onto the existing home, we realized cost to gain was not there. By starting new we can accomplish all of the goals the family needs without changing the footprint of the home, and without having to add on above the garage which was previously approved.

The current home is non-conforming, in regard to setbacks from property lines. We would like the variance to maintain the current setbacks and rebuild on the same footprint that we currently have. In doing so we would also be lowering the total height of the home a couple feet and adding value to the property and neighborhood.

Thank you

Jeremy Hersman

J.S. Hersman Builders Inc.
PO Box 923
Ada, MI 49301
(616) 299-3956
Land situated in Section 15, Town 8 North, Range 16 West, Spring Lake Village, Ottawa County, Michigan and described as: Lot 8, Reasubdivision of Blocks 3 and 4, Bryant's Addition to the Village of Spring Lake.
1. **Call to Order**

Petrus called the meeting to order at 7:00 PM.

2. **Roll Call:**


Members Absent: None

Staff Present: Lukas Hill, Zoning Administrator

3. **Approval of the Minutes**

   A. **Approval of the Minutes of the July 14, 2020 Regular Meeting.**

      Motion by Van Strate, support by McMaster to approve the minutes as written. All in favor, motion carried.

4. **Public Comments**

None.

5. **New Business: Swanson Property – Variance Request at 205 S. Park**

The applicant, Kelly Nemmers, potential buyer of the property, stated that she was requesting the front yard setback variance as much of the western portion of the site is located in the floodplain. Nemmers explained that the request is consistent with the location of the previously existing home and the setback of the home to the south. Petrus asked if any fill is proposed in the floodplain. Nemmers stated that they are requesting the variance to avoid placing any fill in the floodplain.

The public hearing was opened. Lee Schuitema of 408 W. Exchange supported the variance and felt it was in keeping with the existing neighborhood. Motion by McMaster with second by VanStrate to close the public hearing. Motion passed unanimously.
McMaster stated he felt this is a perfect example of why the variance process exists as there is a physical hardship on the property limiting the reasonable use of the property. Other members of the Board concurred that it was a logical request.

Motion by McMaster to approve the front yard variance request as presented at 205 S. Park Street as it meets the variance review criteria 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, including the commitment to not place fill in the floodplain.

Motion supported by Van Strate which passed unanimously.

6. **Election of Officers**

Petrus nominated McMaster to be Chairman which was seconded by Meyers. McMaster stated that he was up for reappointment soon, but he would gladly accept the nomination and would be happy to serve in this role should he be reappointed. All were in favor and motion passed unanimously.

Myers nominated Petrus to be Vice Chairman which was seconded by McMaster. Petrus accepted the nomination. All were in favor and motion passed unanimously.

Petrus nominated DeSmet to be Secretary which was seconded by Van Strate. DeSmet accepted the nomination and the nomination was passed unanimously.

7. **Adjourn:**

There being no further business, motion by DeSmet with support by Van Strate to adjourn the meeting. All in favor, meeting adjourned at 7:21 PM.

Respectfully submitted,

Lukas Hill, AICP
Zoning Administrator