

**VILLAGE OF SPRING LAKE
ZONING BOARD OF APPEALS**



MINUTES

**November 10, 2020
7:00 PM**

VIRTUAL MEETING

1. Call to Order

McMaster called the meeting to order at 7:04 PM.

2. Roll Call:

Members Present: Scott Van Strate, Ernie Petrus, Luke DeSmet, Jim MacLachlan, Bill Meyers, Shannon McMaster

Members Absent: None

Staff Present: ukas Hill, Zoning Administrator

3. Approval of Agenda

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

4. Approval of the Minutes of the October 14, 2020 Regular Meeting.

Motion by Petrus, support by DeSmet to approve the minutes as written. All in favor, motion carried.

5. Public Comments

Lukas **Hill** reviewed virtual meeting procedures and possible actions for the meeting. Eric Johnson asked if his comments on the applications should be now or later in the meeting. **McMaster** stated he should wait until public hearings.

6. New Business:

a. Hernandez, Front and Rear Yard Variance requests at 108 Mason Street

Carla Hernandez stated that she was requesting the variances to accommodate a new home on the site. Hernandez explained that the front yard request is consistent with the location of the adjacent homes to the west and setback further than the existing home. She continued to state the rear yard variance only applies to only about 4.5 feet of the proposed house. Hernandez also noted that her rear lot line in the eastern shallow part of the lot is a side lot line for the adjacent parcel, which would require only an 8' setback. Hernandez stated that the south lot line has a nice tree buffer as well. **DeSmet** asked if the trees in the front yard were going to be removed for the porch. Hernandez stated that the trees are in the Village right of way and will not be removed.

The public hearing was opened. Scott and Krista Conway of 115 Barber Court stated their support for the request. Eric Johnson of 109 Mason St. stated that he is a planning commissioner for the Village and will likely be appointed to the zoning board of appeals. Johnson noted that this site and the other application on deck both received approvals from the planning commission to expand the nonconforming aspects of the homes. Johnson stated that the Village should be careful about setting a precedent in cases. Hill noted that a letter of support was also submitted by Kyle Verplank at 216 Shady Lane.

Motion by **Petrus** with second by **Van Strate** to close the public hearing. Motion passed unanimously.

Petrus stated this was a uniquely shaped lot and consistent with other development in neighborhood. **Petrus** generally felt the proposal would improve the neighborhood. **Van Strate** concurred that the lot was of unique shape and the proposed front yard setback would be greater than the existing. **MacLachlan** stated the proposed porch on the house is the part that does not comply with the front yard setback but that the porch was still farther back than the existing home. **McMaster** stated that the unique shape was not exactly relevant, nor are the aesthetics of the proposed home.

McMaster read the variance review criteria in the zoning ordinance. **Hill** described that the some of the other unique aspects to the lot includes the fact that the home to west of the subject site is more than 100 feet back from the right of way which throws off the average front yard setback that would normally allow an administrative reduction in the front yard. **Hill** also stated that narrow portion of the rear lot abutting a side yard is a unique circumstance. **Meyers** went through a set of criteria and explained how he felt this application met them.

Motion by **Petrus** to approve the front yard and rear yard variance requests as presented at 108 Mason St. as it meets the variance review criteria due to unique conditions of the property 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.

Motion supported by **Van Strate**.

Roll Call Vote: **Petrus**: yes, **MacLachlan**: yes, **DeSmet**: yes, **Van Strate**: yes, **McMaster**: no. Motion passes 4 to 1.

b. Overhuel variance request to reduce two front yards and one side yard setback at 316 N. Jackson.

Builder Jeremy Hersman reviewed the application materials with the ZBA and explained that the proposed new home would essentially sit on the location of the existing home and would not be moved closer to the lake. He also stated that the garage will remain as is but will have new siding and roofing only. **Petrus** asked if there was a floodplain issue on the lot that would be a cause for concern in moving the house towards the lake. Hersman stated he did not know where the floodplain was on the property, but did not want to come closer due to high water levels and to respect the viewshed of adjacent properties. **Van Strate** and **Meyers** both agreed that the home should not be pushed closer to the lake.

McMaster opened the public hearing. Scott Conway stated he was ok with a new building being built in the existing footprint of the home. Conway stated the existing garage did receive a variance back in the 1970s. Krista Conway stated she was also supportive of rebuilding the house in the current location and not pushing it towards the lake. Eric Johnson stated that the Planning Commission also looked at this property as they wanted to expand the existing nonconforming aspects of the home, which was approved. Johnson stated that he was happy they were not widening the home and that the plans generally looked good. Meyers moved to close the hearing with support from **Petrus**. Motion passed unanimously.

McMaster read each of the variance criteria out loud. Hill noted that if the Board was inclined to approve the application, the ZBA should consider factors that make the site unique and challenging. Hill noted that the lot has three front yards, with one waterfront and two street front yards, along with a very narrow lot. Hill noted that a variance would be necessary to rebuild a new dwelling on this in any event, but the ZBA needed to determine if the request was reasonable and within the parameters of the criteria. There was general consensus that the request was reasonable.

DeSmet made a motion to approve the front and side yard variance requests as presented at 316 N. Jackson 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.

Motion was seconded by **Meyers**, which passed unanimously.

7. Adjourn:

There being no further business, motion by **Petrus** with support by **Meyers** to adjourn the meeting. All in favor, meeting adjourned at 8:40 PM.

Respectfully submitted,

Lukas Hill, AICP
Zoning Administrator