



**VILLAGE OF SPRING LAKE
PLANNING COMMISSION**

**MINUTES
REGULAR MEETING
October 22, 2019 7:00 PM**

**Barber School Community Building
102 West Exchange Street
Spring Lake, MI 49456**

1. CALL TO ORDER

Chairman **Kauck**, called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Bohnhoff, Johnson, Kauck, Nauta, Van Leeuwen-Vega, and VanStrate.

Absent: Martinus

3. APPROVAL OF THE AGENDA

Motion by **Bohnhoff**, second from **Johnson**, to approve the agenda as amended, moving 6. B. to 5. B. and 5. B. to 6. A and 6. A. to 6. B. All in favor, motion carried.

Yes: 6 No: 0

4. APPROVAL OF THE MINUTES: September 24, 2019 regular meeting

Motion by **Van Leeuwen-Vega**, second from **Bohnhoff**, to approve the minutes from the September 24, 2019 regular meeting. All in favor, motion carried.

Yes: 6 No: 0

5. PUBLIC HEARINGS

A. 316 North Jackson Street: The Planning Commission will consider a request for an expansion of a nonconforming structure located at 316 North Jackson Street, Permanent Parcel Number 70-03-15-327-001.

Chairman **Kauck** introduced this item and asked for a motion to open the Public Hearing.

Motion by **Bohnhoff**, second from **Van Strate**, to open the Public Hearing at 7:04 p.m. All in favor, motion carried.

Yes: 6 No: 0

Jeremy Hersman, contractor for 316 N. Jackson St., was present to represent the homeowner and explained that they understood this was a nonconforming lot and were looking to add an addition above the garage.

Howland gave an overview of this request and explained that the applicant desired to expand the single-family home by adding a second story above the existing attached garage and front entry so no additional land would be covered by the expansion and would not encroach further into the front yard.

Kauck asked if there was anything in the Ordinance regarding light and air quality since the house next door would be bordered on both sides by two story homes and would not get any sunlight. **Howland** said there was no reference to a minimal amount of sun exposure and the single-story home also had the right to build up to a 2-story home. **Van Leeuwen-Vega** asked if there was an overall square footage limit on that size property. **Howland** said there was not a lot coverage standard in the Village. **Bohnhoff** asked what would happen in the future if the homeowner decided to be a short-term rental. **Howland** said that would be a separate request, and she had asked the homeowner if they were interested in Short-Term rental because of the addition of 2 more bedrooms, and they said they were not. **Johnson** said he lived in that neighborhood and felt the Planning Commission should be cautious moving forward with how they issue approvals for nonconforming lots, but since the applicant's addition was going up and not adding to the nonconformity, he didn't have a problem with the addition. **Kauck** asked if the permitting process would cover the issue of carbon monoxide since the garage would be under the living area. **Howland** said that it would. **Van Strate** said he did not have any problem with the addition.

Motion by **Bohnhoff**, second from **Van Strate**, to close the Public Hearing at 7:11 p.m. All in favor, motion carried.

Yes: 6 No: 0

Motion by **Van Leeuwen-Vega**, second from **Bohnhoff**, to approve the request by Jeremy Hersman for an expansion of a nonconforming structure pursuant to Section 3.18.D.1 of the Zoning Ordinance located at 316 North Jackson Street, Permanent Parcel Number 70-03-15-327-001. The request pertains to a proposed second story addition over an existing garage and entry and meets criteria of Section 3.18, D, 1. The following conditions apply:

- a. The addition shall be built in compliance with the submitted site plan and elevation drawings.
- b. The addition may be reduced in height or area without further review by the Planning Commission.
- c. The applicant will comply with any other local, state, and federal laws.
- d. The applicant will comply with all verbal representations.

All in favor, motion carried.

Yes: 6

No: 0

- B. 940 West Savidge Street:** No Public Hearing needed for this item. The Planning Commission will consider a request for a deviation from the sign regulations for the Holiday Inn freestanding sign located at 940 West Savidge Street, Permanent Parcel Number 70-03-15-383-001.

Chairman **Kaucheck** introduced this item. Michael Loffredo, representing Holiday Inn, was present and explained that they were asking for a deviation of the dimensional sign regulations and had partnered with Fastsigns from Holland to create a new sign. Mr. Loffredo noted the 5 criteria required and said that, due to their location, the safety and welfare of both residents and visitors to this community were most important so they felt the larger illuminated sign, that could be seen from a further distance, would be safer. Mr. Loffredo said that the sign was clean with only 2 words, would not blink, flash or scroll so would not be a distraction and the size they were requesting would fit in between the existing poles.

Howland explained that the Village allowed previously nonconforming signs to be replaced with signs that were less nonconforming and the safety and visibility factor were a big deal for this sign. **Van Leeuwen-Vega** asked Mr. Loffredo about their plan to cover the old Burger Theory sign with a piece of aluminum that matched the sign and would not show up during the day but would show up at night when illuminated and look like there was a box taped in one corner. Jeff Mayrose, owner of Fastsigns, explained that they were trying to keep costs down and had planned on only covering the type but, if it was going to become a sticking point, they could certainly cover all the way across. **Van Leeuwen-Vega** said it would be a sticking point for her. **Johnson** said that he understood that this was a funny intersection and since they were not trying to increase the base size, he did not have an issue with the sign. **Kaucheck** asked if there would be any significant increase in the illumination because he was concerned about the condo's near-by. Mr. Mayrose said that the sign itself would not be any brighter than the existing Holiday Inn sign on the top but could be seen 300 yards away to give motorist time to find the entrance. **Howland** said that this was not a monument sign, which was what was permitted, pole signs were not, and this was a pole sign, multi-tenant monument signs were allowed 50 square feet, and this sign would be at 90 square feet. The Planning Commission agreed that a monument sign would not be visible, so for safety, a pole sign was needed.

Motion by **Bohnhoff**, second from **Van Leeuwen-Vega**, to approve the request by Holiday Inn for a deviation from the sign regulations to allow the replacement of a 2.3 sq. ft. sign with a 15 sq. ft. sign to the existing pole sign at 940 West Savidge Street (parcel #70-03-15-383-001), pursuant to Section 390-175 of the Zoning Ordinance. All in favor, motion carried.

Yes: 6

No: 0

6. NEW BUSINESS

- A. **113 South Division Street:** The Planning Commission will consider a request for a Special Use Permit for a Bed & Breakfast located at 113 South Division Street, Permanent Parcel Number 70-03-15-361-010. This project will also require a Site Plan Review.

Chairman **Kauckeck** introduced this item. **Howland** explained that this was a request for a Special Use Permit to allow the Lilly Mansion to be used as a Bed and Breakfast and that the applicant had provided written responses to the requirements. **Howland** said the B&B would provide 4 guest rooms, each with its own bathroom, located on the second floor, with the owner's suite provided on the main floor, and that site improvements included public sidewalks along Division and Exchange to comply with Section 390-189.D of the Zoning Ordinance. **Howland** explained that grass pavers would be installed that would blend in with the landscaping and minimize the visual impact for the required 4-space parking area for guests off of Division Street and the 2-space parking area for the owners off of the alley. **Howland** said that all storm water was proposed to remain on site and that the Village Engineer was asked to review the grass pavers regarding stormwater. **Kauckeck** noted that the address of the B&B was 113 S Division which was not one of the 3 streets (Exchange, Savidge and Liberty) that were approved for a B&B. **Howland** explained that as long as the house had frontage on one of the 3 approved streets, it was allowed. **Kauckeck** said that the Ordinance required that the home be owner occupied and that it didn't look like the owner would be living there. **Howland** said that it was her understanding that the B&B operators did have an ownership interest in the property. **Kauckeck** said that, per the Ordinance, the construction of an additional bedroom could not be added for the purpose of operating a B&B. **Howland** said that the way she and staff had evaluated this was that the addition could be constructed whether it was a B&B or not, and right now, the home was considered a single-family home, not a B&B, so it was sequencing and she thought the Ordinance contemplated that the work was not being done for the B&B. **Howland** also said that she understood that this might be uncomfortable because they had known that the intent was to make it a B&B, but anyone that lived on one of the approved streets could add a bedroom and then 6 months later decide they would like to have a B&B. **Kauckeck** said that he was afraid they would be setting a precedence and had a problem with coming in the back door. Norman Dodds, architect for the project, said that they had actually decreased the number of bedrooms from 8 to 4 so, per the Ordinance, they were not increasing the use. **Kauckeck** asked Mr. Dodds if the resident managers were on the deed. Mr. Dodds said that they would be. **Howland** said there may be another option other than deed, but the Village would want them to be owners. Mr. Dodds said the owner could be an LLC and the operators could be a member of the LLC, but whatever the Village required, they would do. **Howland** asked Mr. Dodds if the addition was shown on the plans when he brought the project to the ZBA. Mr. Dodds said that it was not, that the ZBA had approved them for a height variance and building setback requirements.

Howland suggested to Planning Commissioner **Nauta** that, since he was an adjacent neighbor/property owner, he would have a conflict of interest. **Kauck** said that, from the perception point of view, and as they had done in the past, that it would be better for **Nauta** to ask his questions as an audience member. **Nauta** said that he was more than willing to ask questions from the audience, but he had already voted on this two or three times. The remaining **Planning Commission** members agreed that it would be in **Nauta's** best interest to share his concerns from the audience. **Nauta** agreed and recused himself.

Mr. Dodds shared the site plan for the project explaining this would be a green lot when they were done by proposing grass pavers for the guests and operators parking. Mr. Dodds said the tenants would probably never use the parking spots, that they would probably use street parking. Mr. Dodds pointed out the setbacks noting that the addition was well within them.

Motion by **Bohnhoff**, second from **Van Strate**, to open the Public Hearing at 7:51 p.m. All in favor, motion carried.

Yes: 5 No: 0

Van Strate said that he had no problem with the addition as long as they were within the setbacks.

Nauta said this was an assault on his property and trying to render it useless, explaining that his intent was to build a carriage house with office or residential rental property, but the property next to him had risen in height an enormous amount by bringing in so much dirt and sand that it was turning his property into a retention pond making it very difficult for him to build on unless they (the applicant) put in tiles or something to stop all the runoff onto his property. **Nauta** said that his property had sloped their way and theirs had been the lowest point but now his was the lowest point. **Nauta** also pointed out that the alley behind them was not stable and that had started when Eye Care One raised and paved their parking lot causing their water to run onto the alley and then into the boat company property causing them to raise their parking lot and add gravel, which caused runoff water to go on to the next yard and the alley causing flooding to his carriage house. **Nauta** said that because of that, the alley had to be paved and a leach basin added which was already taxed and not connected to the sewer. **Nauta** said that his property had sort of served as a buffer for overflow and had never flooded but, the area to catch stormwater had been twice the size and was now shrunk down to just his property because his property was now the lowest point. **Nauta** said that the consequence of raising the property that much was asking half the amount of property to absorb the same amount of water. **Van Leeuwen-Vega** asked if there was an Ordinance that the grading needed to be consistent with adjacent property? **Johnson** said that this was always a big deal when getting preliminary planning approval from a Planning Commission and that subdivisions could end up in precarious situations with

different builders building at different elevations. **Johnson** asked Nauta what he felt was an appropriate way to handle the stormwater from his property if he built a carriage house. Nauta said that would be up to the architect and engineer to figure out but, obviously, it would have to have it figured out and this makes it harder, and he imagined he would have to raise his property. **Kaucheck** said residents were not allowed to impact the natural grade without making accommodations for the movement of the water, so if they had significantly changed the natural grade of the property, they would be responsible for the runoff of the water, so Nauta did have recourse. Nauta said that the State law read that you couldn't change the flow of water, so if his water flowed onto the neighbor's property, they had to keep receiving that water, and their property had been lower than his property. **Van Leeuwen-Vega** asked if they knew what the plan was for the grade of the property since the house was not set yet. Mr. Dodds explained that they had way too much fill in that area so when the excavators came in, they smoothed everything out because they thought the fill was staying, but it was not, and now they would have to peel it back to the original grade and landscaping would be added to keep it to the level of the alley and the rest of it would be within 8 inches of the original grade. Nauta asked if the black coating on the blocks was going to be covered with dirt. Mr. Dodds said not in that area, it was going to be brick or something else. Nauta said that as long as the grading was restored, he didn't have a problem. **Kaucheck** asked if the footprint shown on the plan was the footprint of the total house. Mr. Dodds said that it was. **Howland** and **Bohnhoff** clarified that the addition fit the same footprint as the house did on its original site with the new den on the first floor has nothing above it, the new covered porch has nothing above it on the second story, guest room #1 goes above where the old garage was that did not get moved with the house and the owners suit was on the first floor with guest room #1 above it. Mr. Dodds said that was correct. **Howland** explained that reading the Special Use regulations about additions and construction and additional rental purposes construction, she could see where **Kaucheck** was interpreting that to be "no new construction related to a B&B", the sequencing made it frustrating, but the notion that there were fewer bedrooms than when it was sitting on Savidge had something to that, because they would not be able to have more guests than they would have been able to have on Savidge because 4 bedrooms were all that was allowed and the fact that the home had been moved across town was also unique because there was construction with that. **Howland** pointed out that if the B&B had already been operating and they came back to the Planning Commission and asked to add another bedroom, the answer would have to be no, so ultimately, the Planning Commission had to be comfortable that that section of the Ordinance had been met. **Bohnhoff** asked if it was appropriate to add a condition regarding the grading if they chose to approve this use. **Howland** said that it would be appropriate to reference grading since it was a concern, but it was not necessary to nail down at this point. The Village Engineer may ask for a grading plan. **Howland** said that it was clear that Nauta had concerns, but at this point, the property was in construction, in flux, and not what it will be in the end, and that won't be clear until the lawn was established and then some of these grading issues between 2 neighbors would be considered a civil issue that would need to be worked out, but as a Planning

Commission and Village they would not want to approve something that they know would create a grading issue but they did not have that evidence, so the Village engineer would be the best person on staff to evaluate what needed to happen as a result of their grading plan. Mr. Dodds added that clearly, the plans that are shown, would not work with the grading that was at the site now and would be corrected. Nauta said that he would like to have a final conversation with someone at some point to resolve this. **Johnson** said that it sounded like the Village Engineer would be the person to talk to and ask for the grading plan. Mr. Dodds said that a grading plan had not been required. **Howland** explained that as a single-family home, there was an exemption in the Ordinance related to stormwater, but because this was a Special Use for a B&B request and site plan review, it triggered the ability to review more than just a house. Mr. Dodds said they would be happy to provide a grading plan. **Johnson** suggested that Nauta ask them to move the dirt because it was a concern. Nauta said there had been no communications and they didn't have a working relationship. Mr. Dodds asked that the following information be added to the record: Steve Nauta wanted \$100,000 for his piece of property, which was 3 times what Ms. Van Kampen paid for all the other properties and would make it the highest per square foot piece of property in the Village and that Nauta keeps saying that he was going to build a carriage house there, but it was in the CBD district and he didn't know how it could meet the setbacks on a 30 foot lot. Mr. Dodds said they would provide a grading plan and meet all the zoning requirements and that was all they could ask. **Kauck** asked if the Planning Commission could approve the single-family home but not the B&B at this point. **Howland** said no they could not, they were only here to review the B&B request and if the Planning Commission had conditions they wanted to impose or clarify or emphasize that were in the Zoning Ordinance for their approval, that was perfectly appropriate, but if they didn't reference specific conditions, the property was still bound to all of the Special Use regulations. **Van Strate, Van Leeuwen-Vega, Bohnhoff** and **Johnson** agreed that as long as the applicant was meeting the intent and the grading issue caused no adverse effects to the adjacent property, they had no issues. Nauta wanted clarification on what the conditions for the grading were going to be. **Kauck** said their intent was to put a condition that refers to the grading into the approval. **Howland** said the Village Engineer would be reviewing that also.

Motion by **Van Strate**, second from **Bohnhoff**, to close the Public Hearing at 8:21 p.m. All in favor, motion carried.

Yes: 5

No: 0

Motion from **Johnson**, second from **Bohnhoff**, to approve the request for a Special Land Use Permit and Site Plan Review for a proposed Bed & Breakfast and associated site improvements located at 113 South Division Street, Permanent Parcel Number 70-03-15-361-010, subject to the following conditions:

- a. The Village Engineer will review the proposed improvements associated with the B&B (grass pavers) for conformance with the storm water ordinance.

- b. The project shall be built in compliance with the submitted site plan and elevation drawings dated 10-9-19.
- c. The applicant will comply with any other local, state, and federal laws, including revisions required by the Fire Chief and Village Engineer.
- d. The applicant will comply with all verbal representations.
- e. An appropriate grading plan approved by the Village Engineer to ensure adjacent properties were not impacted.
- f. Verify owner occupancy.

All in favor, motion carried.

Yes: 5 No: 0

- B. 304 West Savidge Street:** The Planning Commission will consider a request for a Site Plan Review for a building addition and site improvements located at 304 West Savidge Street, Permanent Parcel Number 70-03-15-361-002.

Kauchek introduced this item. To avoid a conflict of interest **Nauta**, being a neighbor/property owner of this parcel, recused himself from this item. **Howland** gave an overview explaining that this was a request for a Site Plan Review for a proposed addition and site improvements located at 304 West Savidge Street, Permanent Parcel Number 70-03-15-361-002, the former Bilz Pools will be converted to an antique store. **Howland** said that the proposed addition was 775 sq. ft. in size and would be located in the open area to the southwest of the existing building and that the CBD-1 design standards allowed for a maximum 570 sq. ft. single story addition, so a deviation would need to be granted by the Planning Commission. **Howland** said that staff believed this was reasonable because the addition would not be visible from the street, also, the façade would be updated with new cladding materials (horizontal siding), windows, doors and awnings and the awnings were proposed to be located in MDOT right of way along Savidge Street so they would need to get MDOT's approval.

Norman Dodds, architect for this project, shared the project site plan and explained that the addition would be located behind the existing wing to the west and the addition of a canopy on the east side. Mr. Dodds explained that originally, they had 2 parking spaces on Savidge, but have now changed it to 1, and there will be 4 on the east side, which they had concerns with. Mr. Dodds shared the landscape and stormwater plans and said that the basement would be filled in and the inside would be a wide-open space with separation walls for vignettes, adding 2 restrooms, a divided office and storage. Mr. Dodds shared their concerns with the 90° parking on the east side. **Howland** said that staff had reviewed those concerns and because the parking had been that way through the summer and there were no issues, the DPW Director and staff were comfortable leaving it as is, with no changes at this point, and if it becomes a concern, they could address it at that time. **Howland** said that she expected that the Village would monitor it and see how it was going. **Bohnhoff** said that he turned on that street often and the very first spot was an issue, especially when a large SUV was there. **Howland** said it

would be in the minutes that there were concerns with the parking spots, particularly that northern most parking spot off of Division.

The Planning Commission agreed this was a great change and improvement.

Motion by **Van Leeuwen-Veg**, second from **Bohnhoff**, to approve the request for a Site Plan Review for a building addition and site improvements located at 304 West Savidge Street, Permanent Parcel Number 70-03-15-361-002, subject to the following conditions:

- a. A deviation is granted to allow for a 775 sq. ft. single story addition because the addition will not be visible from the street.
- b. Approval of the storm water management plan by the Village Engineer prior to issuance of any permits.
- c. The applicant must enter into a maintenance agreement with the Village for the storm water system.
- d. Applicant must obtain approval from MDOT for any improvements within MDOT right of way.
- e. One accessible parking space located closest to the main building entrance must be provided.
- f. The project shall be built in compliance with the submitted site plan and elevation drawings dated 10-9-19.
- g. The applicant will comply with any other local, state, and federal laws, including revisions required by the Fire Chief and Village Engineer.
- h. The applicant will comply with all verbal representations.

All in favor, motion carried.

Yes: 5

No: 0

7. STATEMENTS OF CITIZENS ON ITEMS NOT ON THE AGENDA

There were no Statements of Citizens.

Chairman **Kauckeck**, stepping down from the Planning Commission, thanked Howland, Fonkert and the members of the Planning Commission for all the help he received during his time on the Planning Commission.

8. ADJOURNMENT

Motion by **Van Strate**, second from **Bohnhoff**, the meeting adjourned at 8:39 p.m. All in favor, motion carried.

Yes: 6

No: 0

Jennifer Howland, Village Planner

Maryann Fonkert, Deputy Clerk