



ZONING BOARD OF APPEALS

AGENDA

October 13, 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
 - a. Scott Van Strate, Shannon McMaster, Ernie Petrus, Bill Meyers, Luke DeSmet, and Jim MacLachlan (alternate)
3. Approval of Agenda
4. Consideration of July 14, 2020 ZBA Minutes
5. Public Comment related to non-agenda items
6. New Business:
 - a. Swanson Property - Variance request to reduce the front yard setbacks at 205 S. Park
 - i. Presentation by Applicant, Kelley and Christopher Nemmers
 - ii. Follow up questions by ZBA
 - iii. Public Hearing
 - iv. Deliberation
 - v. Motion
7. Election of Officers (if all in attendance)
8. 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: 9-18-2020 Applicant: Christopher + Kelley Nemmers
Applicant Phone: 616-581-4414 Applicant Address: 2714 Lafayette Ave. NE Grand Rapids
Owner: Norma Swanson Owner Phone: 616-635-0112 MI 49505
Owner Address: 4935 Stauffer St. Kentwood MI 49508
Project Address: 205 S. Park St., Spring Lake MI
Parcel #: 70-03-15-364-004 Zoning District: Village SpringLake- mill point village
Type of Appeal Requested: () Interpretation (X) Dimensional Variance () Administrative Appeal
Zoning Ordinance Section Number: Section 390-141
Description of Request: TO change front set back from 25 feet to 10-12 feet setback. Need variance.

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

- 1. Present Zoning Classification of Property: Single family Residential
2. Description of property:
a. Size of Lot: 55w x 135d
b. Area of Lot:
c. Is lot a corner or interior lot? Interior Lot
3. Description of Existing Structures:
a. Number of buildings now on premises: 0
b. Size of each building now on premises:
c. Use of existing buildings on premises: Residential
d. Percentage of lot coverage on ground level:
4. Description of proposed structure:
a. Height of proposed structure:
b. Dimensions of building or addition to be constructed:
c. Area of building or addition to be constructed:
d. Percentage of lot coverage of building or addition:

- 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: *Karen Swanson* Date: 9-18-2020

Applicant's Signature
(if other than property owner): *[Signature]* Date: 9-18-2020

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.

[Signature]
Applicant's Signature

9-18-2020
Date

Karen Swanson
Owner's Signature

9-18-2020
Date

*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.

**Village of Spring Lake
Zoning Board of Appeals - Variance**

Property Address: 205 S. Park Street, Spring Lake
Parcel #: 70-03-15-364-004

Applicant: Christopher & Kelley Nemmers
2714 Lafayette Ave. NE
Grand Rapids MI 49505
(616)581-4414

Owner: Norma Swanson
4935 Stauffer St. SE
Grand Rapids MI
(616)635-0112

Zoning Ordinance Appealing: 390-141 Granting of Variances

Reason for Appeal: We, the applicants, are in process of purchasing the above vacant lot from the above owner. The purchase agreement was written with the contingency of completion of elevation survey by applicant to be able to ensure buildability of lot with current (2011) FEMA floodplain.

We are requesting a variance for the front set back. Currently the set back is 25 feet, we are requesting a 12 feet set back. We are not looking to change the zoning which is single family residential.

In the folder packet a copy of the elevation survey is included. Plat maps showing the location of the previous home as well as surrounding homes and changes in the original 80 feet plat right of ways.

Addressing Section Subsets of 390-141:

- A. The lot size is 55w x 135d and is an Interior Lot. The problem with the lot is over half of the lot depth is in the FEMA floodplain, which creates a unique situation to be able to build with current set backs. See elevation survey. Many surrounding homes as shown in the enclosed plat map are not in flood plain at all but setbacks are well under 25 feet and some are on the actual lot line.
- B. To be able to build a new single family home that we plan to occupy as a year round principal resident, a garage would need to be included. With the standard 2 stall garage size at approx. 24x24 it would leave little room for interior space and storage, especially

since there is a high probability that even a partial basement is not possible because of the water level table.

- C. The home directly next door is approx. 12-13 feet from the lot line so by granting this variance it would be in line with the other home(s) surrounding it. Adding a new year round home in the location with the Tanglefoot Park renovations that are planned, it would only add to the aesthetics of the area and future plans for the village development.
- D. The footprint of the original home (which the foundation is still buried underneath) shows that the home was just behind the pine trees approx. 12-13 feet from the lot line, which is the same as requested variance. The area from curb to lot line is 20 feet and with a 12 feet setback would still be far from road way.
- E. Can not see where by granting this variance any difficulties would arise.
- F. Much like the answer to A, to build a home that would be liveable year round and be aesthetically pleasing to include a garage using side setbacks etc. on such a narrow lot, there really are no alternative locations to situate a house and still stay 1 foot above the flood plain that is required.
- G. The requested variance would not change the current zoning of the lot, which is residential, we would be building a single family home.

One last note regarding setbacks and variances. Park Street still has the original 80 feet right of way vs. other streets that have abandoned it. With standard right of ways at 66 feet, it may still offer some extra room for future plans.

We have not begun any plans on building on this lot, because we will not be closing on it if it is not buildable. Our plans are to put a 2 story home with attic (2.5 story) with attached garage with overall footprint to 32-35 feet by 35 feet.

Thank you for your consideration.



Front view from road 

 Overhead view

 Back of lot
(Behind pine trees)

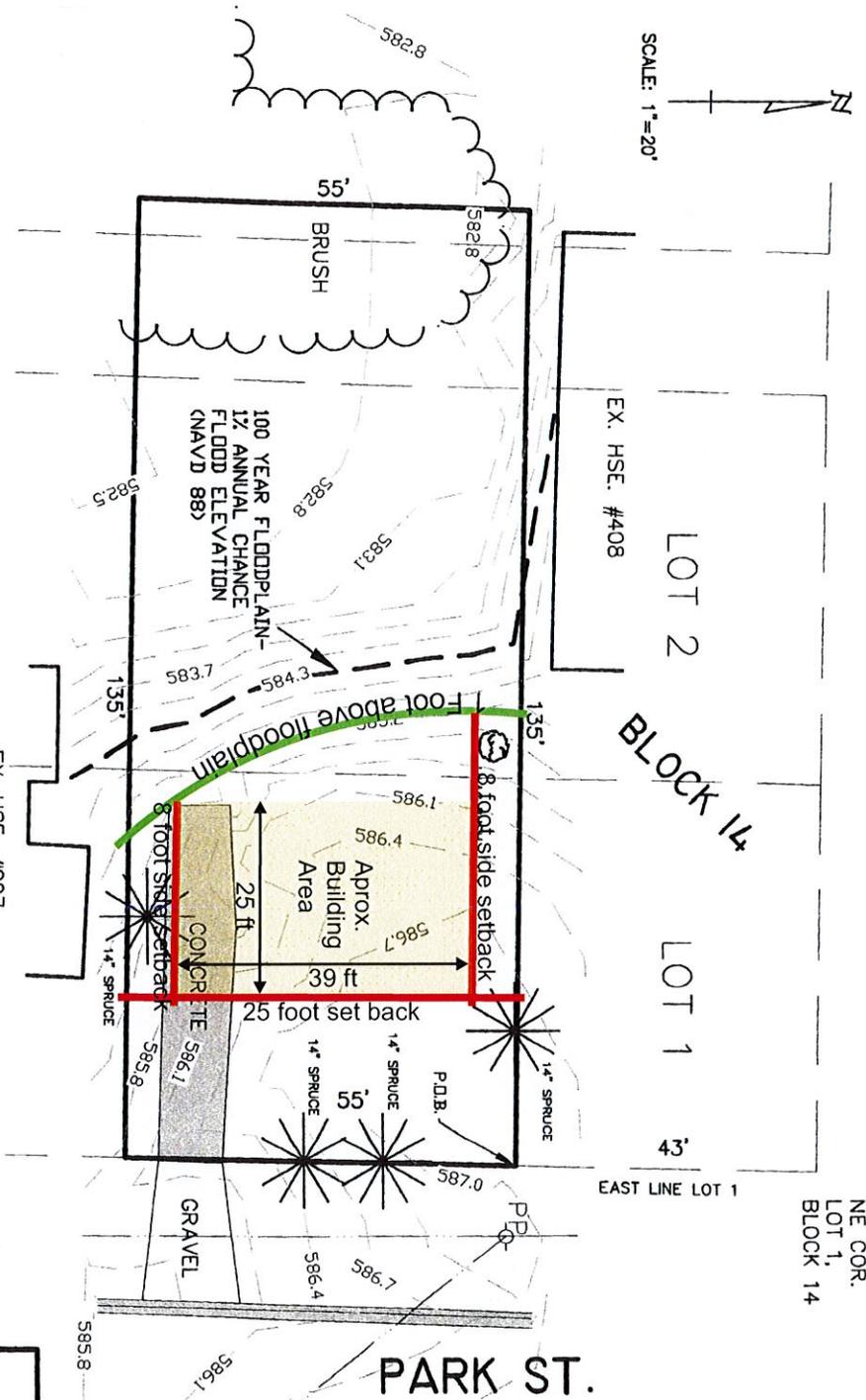


Present Setbacks

Nemmers
205 S. Park St.

FOR: CHRIS AND KELLEY NEMMERS
DATE: 8-21-20
PROJECT NO: 20062
RE: 205 S. PARK ST.,
SPRING LAKE, MI

DESCRIPTION: PART OF BLOCK 14 COMMENCING 43 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK, THENCE WEST 135 FEET, THENCE SOUTH 55 FEET, THENCE EAST 135 FEET, THENCE NORTH 55 FEET TO THE POINT OF BEGINNING, BARBER'S ADDITION TO THE VILLAGE OF MILL POINT, OTTAWA COUNTY, MICHIGAN.



NOTE: 100 YEAR FLOODPLAIN ELEVATION = 584.3 (NAVD 88) INFORMATION FROM FEMA FLOOD INSURANCE RATE MAP # 26139C0079E, EFFECTIVE DATE 12/16/2011, PANEL 79 OF 425, OTTAWA COUNTY, MICHIGAN.

THIS DRAWING WAS MADE FROM THE LEGAL DESCRIPTION SHOWN HEREON. THE DESCRIPTION SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE POLICY FOR ACCURACY, EASEMENTS, AND EXCEPTIONS. UTILITIES SHOWN ARE FROM FIELD MEASUREMENTS. THIS INFORMATION SHOULD NOT BE CONSTRUED TO BE A GUARANTEE OF COMPLETENESS.

mbn
meyers, buche & nies, inc.
civil engineers/surveyors
1638 leonard st nw
grand rapids, mi 49504
616-457-5030
fax 616-457-8244

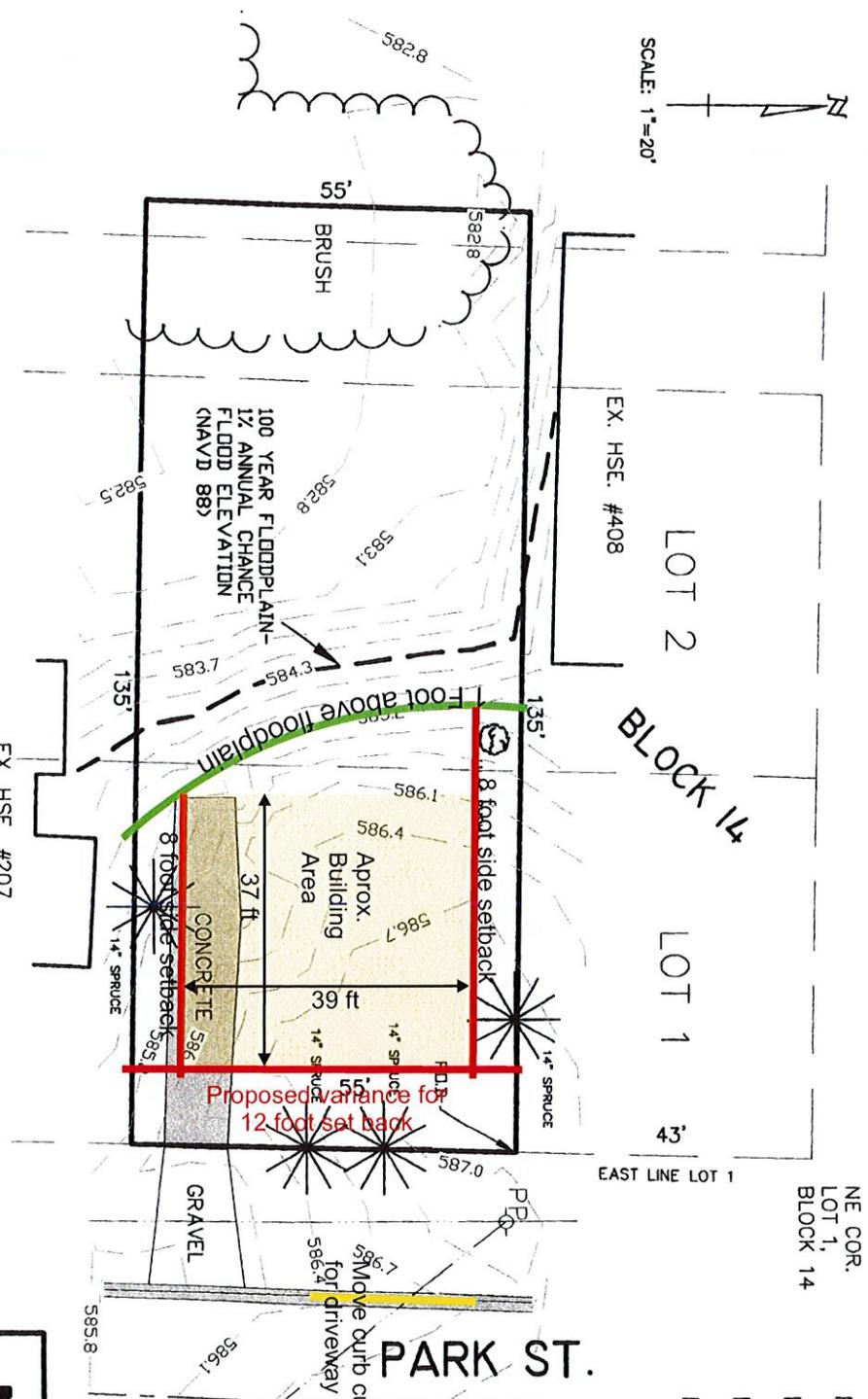
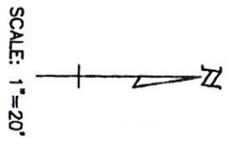
LEGEND

- WOOD STAKE (SET)
- IRON STAKE (SET)
- IRON STAKE (FOUND)
- FENCE
- M = MEASURED
- P = PLATTED



Proposed Setbacks

Nemmers
205 S. Park St.



NE COR.
LOT 1,
BLOCK 14

EAST LINE LOT 1

DESCRIPTION: PART OF BLOCK 14 COMMENCING 43 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK, THENCE WEST 135 FEET, THENCE SOUTH 55 FEET, THENCE EAST 135 FEET, THENCE NORTH 55 FEET TO THE POINT OF BEGINNING, BARBER'S ADDITION TO THE VILLAGE OF MILL POINT, OTTAWA COUNTY, MICHIGAN.

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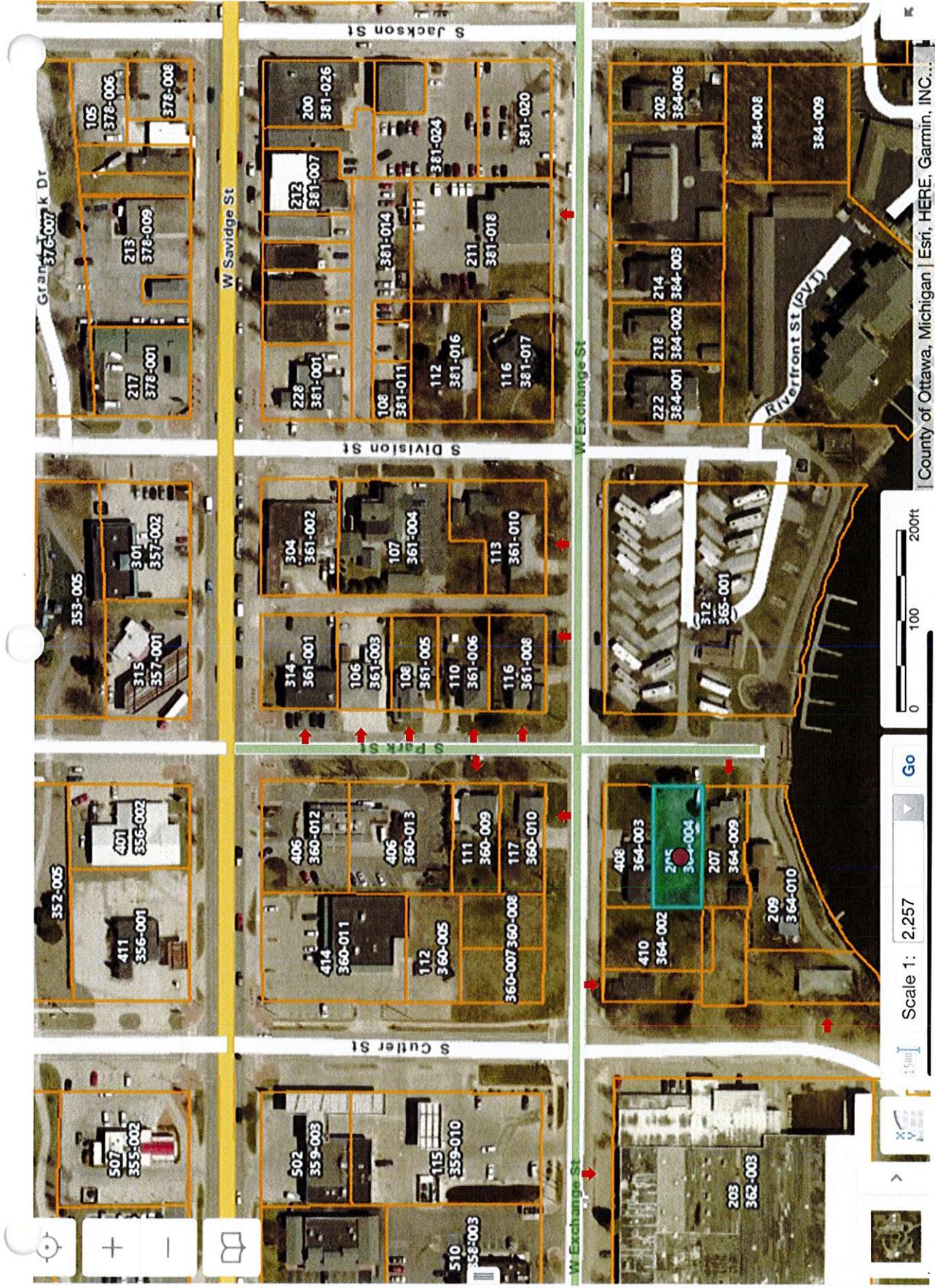
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↑ Red arrows show buildings in the neighborhood that are built with less than the 25 ft. setback.

Also, note that the original 80 ft. plat right-of-way has been vacated on W. Exchange St. but is still in effect on S. Park St. (Normal plat right-of-way is 66 ft.)



Old House location looks to be 10 to 12 ft from base of pine trees on the front lot line.



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

MINUTES

**July 14, 2020
7:00 PM**

VIRTUAL MEETING

1. Call to Order

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

2. Roll Call:

Members Present: Scott Van Strate, Ernie Petris, Luke DeSmet, and Jim McLaughlin

Members Absent: Bill Meyers, Shannon McMaster

Staff Present: Lukas Hill, Zoning Administrator

3. Approval of the Minutes

A. Approval of the Minutes of the September 10, 2019 Regular Meeting.

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

4. Public Comments

None.

5. New Business: Hilaski – Variance Request

Hilaski presented the two variance requests which included a reduction of a front yard setback and a side yard setback. He stated he wished to build a new house where the old was located and that the old house was removed due to various structural problems. Hill noted after further review, the side yard setback was compliant and only a front yard variance was necessary at this time.

The public hearing was opened. No public comments were taken. Motion by Petrus with second by VanStrate to close the public hearing. Motion passed unanimously.

After review of the staff memo and variance criteria in the Zoning Ordinance, Van Strate moved to approve the Hilaski variance request as presented to reduce the front yard setback. McLaughlin supported the motion and it was approved 4-0.

6. Other Business

None

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 7:36 PM.

Respectfully submitted,

**Lukas Hill, AICP
Zoning Administrator**