

YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
VIRTUAL SPECIAL MEETING (Zoom)
Wednesday, August 12, 2020
5:30 PM
Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333

MINUTES
 Page 1 of 4
 ZBA
 8/12/2020

MINUTES

Meeting called to order at 5:31 PM by Jake Welch Meeting Chairman.

CALL TO ORDER

Roll Call: Present: Jim Courtney, Ron Heilman- (Secretary), John Frigmanski, Jake Welch (Chairman), Mike Boysen.

ROLL CALL

Absent with Notice: Dave VanHouten. Pat Jansens has resigned.

PLEDGE

PLEDGE OF ALLEGIANCE –

Present: Rebecca Harvey, Professional Planner, Jake Eccleston – from YS Township’s Law Firm.

Also Present: Eric Thompson- PCI, YS Zoning Administrator

Staff Present: Sandy Marcukaitis

Visitors: 7 - not including staff present.

REPORTS FROM REPRESENTATIVES: NONE

REPORTS FROM REPRESENTATIVES

Planning Commission: Not present/resigned.

Board of Trustees: There is no Board Representative at this time.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES

Motion by R. Heilman with support from M. Boysen to approve ZBA meeting minutes of July 14, 2020 as presented. **ROLL CALL:** Frigmanski: Yes, Courtney: Yes, Boysen: Yes, Welch: Yes, Heilman: Yes. **Yes: 5, No: 0. MOTION CARRIED.**

NEW BUSINESS:

ZBA 20-07-04 Parcel ID 210-013-00 A request by Melinda Wieringa of 1182 Lynn Dr. request by Melinda Wieringa of 1182 Lynn Dr.

ZBA 20-07-04 Parcel ID 210-013-00 A request by Melinda Wieringa of 1182 Lynn Dr. for variance relief from Front/Water side setbacks in Section 12.4.

Motion to Open Public Hearing by J. Frigmanski with support from M. Boysen at 5:35 p.m. Roll Call: Frigmanski: Yes, Courtney: Yes, Welch: Yes, Heilman: Yes, Boysen: Yes. **Yes: 5, No: 0. MOTION CARRIED.**

Open Public Hearing

Note of Correction made by R. Harvey regarding setback of 74’. (That calculation was based on other information.) After clarification today, 74’ has changed to 86’.

Public Comments

Close public comment period

Practical Difficulty Standards

Clarification was also made that this meeting is a “Special Meeting” per R. Harvey.

Melinda Wieringa presented her request for a covered porch so her family would get some shade. “Basically the construction would be only two posts and a roof line,” added Kelly Wieringa, son of Melinda Wieringa.

Public Comments:

Arlene VandenBosch of 1168 Lynn Dr., commented that she had no problem with the request.

Gwen, (daughter of applicant), of 7810 Hanna Lake Ave., Caledonia, noted that the structure was needed for shade.

Vonnie Dewey, of 1188 Lynn Dr., (next door neighbors to Melinda Wieringa) commented that they see no problem extending the roof.

Motion by Heilman with support by Welch to close public comment period was made at 5:40 p.m. Roll Call Vote: Boysen: Yes, Courtney: Yes, Welch: Yes, Frigmanski: Yes, Heilman: Yes. Yes: 5, No: 0. MOTION CARRIED.

R. Heilman – asked if applicant had looked into temporary shade/awning.

M. Wieringa noted that it was a high wind area so an awning would not work.

R. Harvey’s report was reviewed. Noting what R. Harvey commented earlier (setback clarification of 74’ changed to 86’), the ZBA confirmed it was looking at a 4’ variance.

Jake Welch, Chairman, read the Practical Difficulty Standards and each standard was considered. The ZBA discussed the request as they went through each standard.

1. That the practical difficulty asserted by the applicant by way of justification for a variance is due to unique circumstances of the property. (exceptional or extraordinary physical circumstances applying to the property that do not apply generally to other properties in the area/zoning district).

2. That the condition of the property is not of so general or recurrent a nature as to make reasonable the formulation of a regulation for such condition. (An amendment of the zoning ordinance instead of variance relief).

3. A literal interpretation of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; and that the variance is the minimum necessary. (Preservation of a substantial property right similar to that possessed by other properties in the district/vicinity).

4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

5. That, in granting a variance, the ZBA is insuring that the spirit of the Zoning ordinance is observed, public safety secured, and substantial justice done. (not impair the intent and purpose of the Ordinance).

6. That the practical difficulty asserted by way of justification for the variance is not self-created. (Created by any affirmative action of the applicant).

MINUTES
Page 3 of 4
ZBA
8/12/2020

The ZBA reviewed the six standards of the Practical Difficulty test in relation to the variance request(s) this evening.

**The request for a 13' overhang -putting applicant 4' over- was confirmed.*

Public comment reopened at 5:59 p.m. by motion from Welch with support by M. Boysen. Roll Call: Heilman: Yes, Welch: Yes, Courtney: Yes, Boysen: Yes, Frigmanski: Yes. Yes: 5, No: 0. MOTION CARRIED.

Public comment reopened

Emails from the following were read into record (summarized) by Eric Thompson:

Jeff & Patty Ross of 1170 Lynn Dr., commented in their letter that they were 100% in support of the project with no objections, also noting the roof would not have any negative impact to their use or enjoyment of their property.

Jeff Ross with a "follow-up email" confirmed the above comments.

Motion by Welch with support from Boysen to close public comment at 6:02 p.m. Roll Call: Frigmanski: Yes, Courtney: Yes, Welch: Yes, Boysen: Yes, Heilman: Yes. Yes: 5, No: 0. MOTION CARRIED.

MOTION TO CLOSE PUBLIC COMMENT

BOARD DISCUSSION occurred.

Motion by R. Heilman with support by Boysen to approve request of Melinda Wieringa of 1182 Lynn Dr., Parcel# 08-16-210-013-00, based on the following findings of meeting Practical Difficulty Standards: #3, #4, and #5, and conditional upon structure remaining an open structure (exactly as proposed today). Roll Call Vote: Frigmanski: Yes, Courtney: Yes, Welch: Yes, Heilman: Yes, Boysen: Yes. Yes: 5, No: 0. MOTION CARRIED.

MOTION to APPROVE REQUEST

Ramifications of enclosing the porch/structure were noted.

OLD BUSINESS:

OLD BUSINESS

ZBA 20-05-02 Parcel ID# 125-029-00 A request by Karen Hale of 1704 Heritage Bay Dr. to construct a new home that fails to meet the required setbacks in Section 12.4.

Eric Thompson, PCI, Zoning Administrator, noted that the ZBA will not need to re-table this request. It will be re-noticed for the September ZBA meeting. No action needs to be taken (tabling) per R. Harvey.

Administrative process discussion occurred on change in procedure regarding Ms. Harvey's report and form. Applicants will also receive the report.

Sandy Marcukaitis commented that an applicant commented that the time period should be on the original application regarding six (6) months until start of their project.

Such other business as may properly come before the Zoning Board of Appeals:

MINUTES

Page 4 of 4

ZBA

8/12/2020

OTHER SUCH BUSINESS

R. Heilman inquired that when someone comes in for an appeal, "Is the Practical Test of Difficulty given to the applicant of the appeal?" Discussion occurred. It was noted that the **Practical Difficulty Test** was part of the applicant's packet.

E. Thompson noted that "Work to commence in 6 months" clause will be added to the ZBA application.

J. Welch commented that ZBA is getting a lot of **average yard setbacks that meet the minimum, but there are some "stand outs" (outliers)**. Welch commented that if there's one "x" percent out, that possibly that one would be removed from the average of the houses in each direction. **R. Heilman** commented that he believed the Planning Commission is looking at this already.

Discussion took place regarding ZBA's possible need of alternates, with the resignation of Pat Jansens, and then Dave VanHouten will be on the township board in November. Rebecca Harvey commented that the township board needs a PC (Planning Commission) rep, but not a rep on the ZBA. **R. Harvey** commented that the ZBA alternates do not automatically become members of the ZBA.

ADJOURNMENT:

Motion by Welch with support from Frigmanski to adjourn at 6:25 p.m. Roll Call Vote: Courtney: Yes, Welch: Yes, Heilman: Yes, Boysen: Yes, Frigmanski: Yes. Yes: 5, No: 0. MOTION CARRIED.

ADJOURNMENT

Approved by: Ron Heilman
Ron Heilman, ZBA Secretary

Date: 09/08/2020

Approved by: _____ Date: _____
Janice C. Lippert, Township Clerk

Respectfully submitted by:
Deb Mousseau
Recording Secretary, 8/12/2020