

YANKEE SPRINGS TOWNSHIP  
ZONING BOARD OF APPEALS  
VIRTUAL Zoom MEETING

Tuesday, July 14, 2020  
7:00 PM  
Yankee Springs Township Hall  
284 North Briggs Road, Middleville, Michigan 49333

MINUTES

MINUTES  
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ZBA  
7/14/2020

Meeting called to order at 7:00 PM by Jake Welch, Meeting Chairman.

Roll Call: Present: Dave VanHouten (Vice Chair), Ron Heilman- (Secretary), John Frigmanski, Jake Welch (Chair).

Absent with Notice: Pat Jansens.

PLEDGE OF ALLEGIANCE –

Present: Rebecca Harvey, Professional Planner

Also Present: Eric Thompson- PCI, YS Zoning Administrator

Staff Present: Sandy Marcukaitis, Planning & Zoning Assistant

Visitors: 5 - not including staff present.

REPORTS FROM REPRESENTATIVES:

Planning Commission: Not present.

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

APPROVAL OF MINUTES:

Motion by Heilman with support from VanHouten to approve ZBA meeting minutes of June 16, 2020 as presented. ROLL CALL: Frigmanski: Yes, Heilman: Yes, VanHouten: Yes, Welch: Yes, Jansens: Absent. *Yes: 4, Absent: 1. MOTION CARRIED.*

NEW BUSINESS:

ZBA 20-06-02 Parcel ID 215-039-00 A request by Brian & Gloria Lubben of 11255 W. Oakleigh Street for variance relief from the setbacks in Section 12.4. They are requesting to allow an addition on an existing garage.

*Motion to Open Public Hearing by VanHouten with support from Heilman at 7:06 p.m. Roll Call: Frigmanski: Yes, VanHouten: Yes, Welch: Yes, Heilman: Yes, Jansens: Absent. Yes: 4, Absent: 1. MOTION CARRIED.*

Mrs. Gloria Lubben presented the request.

No Comments from the public.

CALL TO ORDER

ROLL CALL

PLEDGE

REPORTS FROM REPRESENTATIVES

APPROVAL OF MINUTES:

ZBA 20-06-02 Parcel ID 215-039-00 A request by Brian & Gloria Lubben of 11255 W. Oakleigh Street

*Motion to Close Public Hearing by Heilman with support from Welch at 7:13 p.m. ROLL CALL: Welch: Yes, Heilman: Yes, VanHouten: Yes, Frigmanski: Yes, Jansens: Absent. Yes: 4, Absent: 1. MOTION CARRIED.*

**J. Welch read the Practical Difficulty Test. (Standards follow...)** (Test provided by R. Harvey, Professional Planner). Review of each criteria item in relation to Mr. and Mrs. Lubben's request was provided by R. Harvey, Professional Planner.

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).

Mike Cunningham, of 1908 Heritage Bay Dr., commented that he hoped the request would work out for the applicant.

Chair Welch notified the applicants that the ZBA was short one member tonight. The Lubben's wish to move ahead this evening with a four (4) member ZBA "board".

*Motion by Welch with support from Heilman to approve request of B. & G. Lubben of 11255 W. Oakleigh Street based on the findings: # Standard 1) There was unique circumstances to the property in that the only high ground available for an expansion was to the west of the building. # Standard 4) That it would not have a detrimental impact to the adjacent property given the setbacks on nearby lots, and the fact that it would not be reducing or changing the existing setback situation. # Standard 5 ) It was consistent with the intent of the ordinance in that it continued existing building alignment, it did not reduce the separation or impact the view shed or parking available; meeting three (3) out of the six (6) standards. Roll Call Vote: Frigmanski: Yes, Welch: Yes, Heilman: Yes, VanHouten: Yes, Jansens: Absent. Yes: 4, Absent: 1. MOTION CARRIED.*

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Practical Difficulty  
Test.

MOTION to  
APPROVE

Mrs. Lubben noted the following and discussion occurred on “wet land” not “wetland”.

Also address should be: 11255 not 11225 in published notice.

Ron Heilman commented that the decision noted by R. Harvey included the lot was a unique lot and only a high ground to build on. It was not called wet lands.

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**2. ZBA 20-05-03 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.**

E. Thompson commented that he met with the applicant today. The current home may potentially be built upon an undeveloped road right-of-way. The owner may need time to revise their site plan and do research as to their status.

*Motion by Welch with support from VanHouten to table the request of K. Hale Parcel ID#125-029-00 at 1704 Heritage Bay Dr. until the August ZBA meeting. ROLL CALL VOTE: Heilman: Yes, Frigmanski: Yes, Welch: Yes, VanHouten: Yes, Jansens: Absent. Yes: 4, Absent: 1. MOTION CARRIED.*

MOTION TO TABLE

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**OTHER SUCH BUSINESS/OLD BUSINESS: NONE**

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**ADJOURNMENT:**

ADJOURNMENT

*Motion by Frigmanski with support from VanHouten to adjourn at 7:47 pm. Roll Call: Welch: Yes, Heilman: Yes, VanHouten: Yes, Frigmanski: Yes, Jansens: Absent. Yes: 4, Absent: 1. MOTION CARRIED.*

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Ron Heilman, ZBA Secretary

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Janice C. Lippert, Township Clerk

Respectfully submitted by:  
Deb Mousseau  
Recording Secretary, 7/14/2020