

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS VIRTUAL MEETING -Due to Covid-19</p> <p style="text-align: center;">Tuesday, June 16, 2020 at 7:00 PM Continuation/Extension of ZOOM Meeting of 6/9/2020 VIRTUAL Meeting this evening – (Not at Yankee Springs Township Hall) 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p><u>MINUTES</u> Page 1 of 3 ZBA 6/16/2020</p>
<p>Meeting called to order at 7:00 PM by Jake Welch Meeting Chairman.</p> <p>Roll Call: Present: Dave VanHouten (Vice Chair), Pat Jansens, Jake Welch (Chair).</p> <p>Not Present: Ron Heilman- (Secretary)</p> <p>Absent with Notice: John Frigmanski, Catherine Kaufman</p> <p>PLEDGE OF ALLEGIANCE –</p> <p>Present: Rebecca Harvey, Professional Planner</p> <p>Also Present: Eric Thompson- PCI, YS Zoning Administrator</p> <p>Staff Present: Sandy Marcukaitis, Larry Knowles</p> <p>Visitors: 1 - not including staff present.</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p>REPORTS FROM REPRESENTATIVES:</p> <p>Planning Commission: Pat Jansens noted that nothing new had occurred in the past week (since his report on 6/9/2020 ZBA meeting).</p> <p>Board of Trustees: No report.</p>	<p>REPORTS FROM REPRESENTATIVES</p>
<p>APPROVAL OF MINUTES: None.</p> <p>ZBA 20-05-02 Parcel ID# 217-034-00. A request by Randy Young for a variance from setbacks in Section 12.4. Currently the property is zoned GLRLF and is requesting to build a deck that fails to meet the waterside setback. Address: 12743 Park Drive.</p> <p>Eric Thompson, PCI, Zoning Administrator, shared an aerial view of applicant’s home and neighbors’ homes. Average setback was 45’ (waterfront).</p> <p>Motion by Welch with support from VanHouten to <u>Open Public Comment</u>. Roll Call: VanHouten: Yes, Jansens: Yes, Welch: Yes. Yes: 3, No: 0, Absent: 2 (Heilman & Frigmanski). MOTION CARRIED.</p> <p>Applicant, Randy Young, commented that neighbors on both sides and another neighbor two houses down have all said they’d agree to sign a petition if necessary. The neighbors do not understand why Mr. Young’s request is not approved. R. Young commented that it would be expensive to pull out his sidewalk to do the grade right.</p> <p>E. Thompson commented that he brought a building inspector out with him to review the project. Thompson commented that any options would take a significant amount of effort.</p>	<p>APPROVAL OF MINUTES</p> <p>Parcel ID# 217-034-00 A request by Randy Young, 12743 Park Drive.</p>

R. Young commented that the only thing that would be accomplished by raising the level of ground would be getting him under the 18 inches. But the level of his deck would not change.

*Motion by Welch with support from VanHouten to close Public comment at 7:10 p.m.
Roll call: Jansens: Yes, VanHouten: Yes, Welch: Yes. Yes (3), No: (0), Absent: (2)
(Heilman & Frigmanski). MOTION CARRIED.*

Review of Practical Difficulty Standards took place:

The ZBA reviewed the six standards of the Practical Difficulty test in relation to the variance request this evening in addition to referring to the Request review from Professional Planner, Rebecca Harvey.

J. Welch, Chair, read the Practical Difficulty Test.

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).

No unique circumstances found. All three ZBA members agreed with this finding.

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).

R. Harvey's provided comments were read by J. Welch and reviewed by the ZBA members regarding each Practical Difficulty Standard. Pat Jansens commented that the condition of the property is pretty general and he did not see anything exceptional or unique about it. D. VanHouten agreed with Harvey's comments, and J. Welch agreed with them, as well. (Reference: pg. 3 of R. Harvey's Review).

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).

Again, R. Harvey's comments (Reference: pg. 3 & pg. 4) were read and reviewed.

Welch commented that he empathized, "...but this is how our ordinance is written and it applies across the board and it does seem like there's not a lot of outs to go around this- in this instance with the review of the surrounding sites, meaning the way they are." No other comments.

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

After reading review of Harvey (Reference: pg. 4), Welch noted that he did not feel, after being at the site, that visibility was affected. Jansens noted agreement with Welch.

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).

D. VanHouten commented that there was an adequate area, but it would require a step down from the deck. P. Jansens commented that if granted over 18", "there's nothing to stop him from putting a roof over it." (Reference: pg. 5 of R. Harvey's report).

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).

P. Jansens commented that there were ways to get around it where it doesn't have to be a variance. J. Welch commented that he was struggling to find reasons to approve the variance request.


Motion by VanHouten, with support from P. Jansens, to deny the variance request for Parcel #217-034-00 with reason being the findings of facts that developed reviewing the Practical Difficulty Test Standards. ROLL CALL VOTE: Jansens: Yes, VanHouten: Yes, Welch: Yes. Absent: Frigmanski, Heilman. Yes: 3, No: 0, Absent: 2. MOTION CARRIED.

OTHER SUCH BUSINESS/OLD BUSINESS: None

Discussion regarding outliers skewing the setback average.

ADJOURNMENT:

Motion by VanHouten with support from Jansens to adjourn at 7:26 p.m. Roll Call: **Jansens: Yes, VanHouten: Yes, Welch: Yes. Absent: Frigmanski, Heilman. Yes: 3, No: 0, Absent: 2. MOTION CARRIED.**

Approved by:  Date: 07/15/2020
Ron Heilman, ZBA Secretary

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

Respectfully submitted by:
Deb Mousseau
Recording Secretary, 6/16/2020

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Motion on Request.
(Denied).

OTHER SUCH BUSINESS/OLD BUSINESS

ADJOURNMENT