

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS MEETING</p> <p style="text-align: center;">Tuesday, May 12, 2015</p> <p style="text-align: center;">Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>MINUTES Approved July 14, 2015 As presented</p>
<p>Meeting called to order at 7:03 PM by Mary Cook, Meeting Chairman</p> <p>Roll Call: Present: Al Schwennesen, Richard Beukema, Roger Rottschafer, Mary Cook, Jake Welch. Chuck Biggs Alternate; absent</p> <p>PLEDGE OF ALLEGIANCE –</p> <p>Staff Present: Larry Knowles- Zoning Administrator, and Sandy Marcukaitis.</p> <p>Also Present: Rebecca Harvey, Professional Planner</p> <p>Visitors: 1 (Mr. Thelen)</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p>ADDITIONS OR CORRECTIONS TO AGENDA: None.</p>	<p>ADDITIONS TO AGENDA</p>
<p>REPORTS OF REPRESENTATIVES</p> <p>Planning Commission: Rich Beukema reported on the ongoing work on the zoning ordinance, focusing on the section of Outbuildings/Guest Quarters of the ordinance.</p> <p>Board of Trustees: Roger Rottschafer commented that a presentation will be made proposing the group for Fire Services Contract negotiations to be approved at the Regular Board meeting on May 14. A budget workshop will occur this Thursday night, as well.</p>	<p>REPORTS OF REPRESENTATIVES</p>
<p>APPROVAL OF MINUTES:</p> <p>Minutes of April 14, 2015-</p> <p>Motion by Rich Beukema with support from Al Schwennesen to approve ZBA meeting minutes of April 14, 2015 as presented. All ayes. MOTION CARRIED.</p>	<p>APPROVAL OF MINUTES:</p> <p>Minutes of April 14, 2015 ZBA Meeting approved.</p>
<p>NEW BUSINESS:</p> <p>ZBA 15-04-08 Parcel ID #08-16-195-020-10 Property address: 10718 Gun Lake Rd., Middleville</p> <p>a. A request by Daniel Thelen for a variance to the minimum waterfront (front yard) setback requirement: Every dwelling or structure shall be set back at least twenty-five (25) feet from the high water shore line of the lake, pond, stream, or river, but not less than the average setback of the structures for one hundred fifty (150) feet on each side of the subject property. Applicant is requesting a setback variance which would result in a structure set back less than the minimum required. Article XII – Sec. 12.4.3.a.(2)</p>	<p>Page 1 of 4 ZBA 5-12-15</p>

ZBA 15-04-08 Parcel ID #08-16-195-020-10 Property address: 10718 Gun Lake Rd., Middleville (continued)

- b. Applicant is also requesting a variance to the minimum side yard setback: Every dwelling or structure shall have a minimum side yard setback of five (5) feet or ten (10) percent of the width of the property (measured as described in Article II); whichever is greater. Applicant is requesting a setback variance which would result in a structure set back less than the minimum required. Article XII – Sec. 12.4.2.a
- c. Applicant is also requesting a variance to the minimum street setback: Every dwelling or structure shall be setback at least twenty-five (25) feet from the public or private road right of way or easement boundary line. Applicant is requesting a setback variance which would result in a structure set back less than the minimum required. Article XII – Sec. 12.4.3.a.(1)

Motion to Open Public Hearing:

Motion by Rottschafer with support from Welch to open public hearing for ZBA # 15-04-08, Parcel ID# 08-16-195-020-10. All ayes. MOTION CARRIED.

Open Public Hearing at 7:09 p.m.

Daniel Thelen presented his request of variances because he currently has a non-conforming structure. D. Thelen would like to add a garage and move kitchen and living area to main floor.

At this time, the first of three variance requests was considered:

- a. A request by Daniel Thelen for a variance to the minimum waterfront (front yard) setback requirement: Every dwelling or structure shall be set back at least twenty-five (25) feet from the high water shore line of the lake, pond, stream, or river, but not less than the average setback of the structures for one hundred fifty (150) feet on each side of the subject property. Applicant is requesting a setback variance which would result in a structure set back less than the minimum required. Article XII – Sec. 12.4.3.a.(2)

Practical Difficulty Test/Standard was read by Mary Cook.

Findings of Fact:

The Board found that all of the criteria were met, that there is a current non-conforming home already on the property, that the property would be unbuildable without the requested variances, that the requests would make the non-conformance less or equal, and that the requests were reasonable.

Motion to Close Public Hearing:

Motion by Rottschafer with support from Beukema to close the public hearing. All Ayes. MOTION CARRIED.

Close Public Hearing at 7:25 p.m.

NEW BUSINESS:

ZBA 15-04-08 Parcel ID #08-16-195-020-10

Property address: 10718 Gun Lake Rd., Middleville

Daniel Thelen

Board Deliberation occurred at this time.

Motion by Welch with support by Rottshafer to approve the variance request of D. Thelen (ZBA 15-04-08, Parcel ID# 08-16-195-020-10) for a waterfront setback requirement of 25 feet and allow D. Thelen to go to 1'5" to the eave based on the full criteria of the practical difficulty test- based on findings. ROLL CALL: Rottshafer-yes, Beukema- yes, Cook- yes, Schwennesen- yes, Welch-yes. Yes: 5, No: 0. MOTION CARRIED.

Motion to approve the variance request for a waterfront setback requirement of 25 feet and allow D. Thelen to go 1'5" to his eve. MOTION CARRIED.

Consideration of 2nd variance request: (Side yard setback)

b. Applicant is also requesting a variance to the minimum side yard setback: Every dwelling or structure shall have a minimum side yard setback of five (5) feet or ten (10) percent of the width of the property (measured as described in Article II); whichever is greater. Applicant is requesting a setback variance which would result in a structure set back less than the minimum required. Article XII – Sec. 12.4.2.a

Note: Per Rebecca Harvey – Public Hearing was opened and closed on all 3 variance requests, so there is no need to re-open the public hearing for consideration of each variance request. Requirement has been met per R. Harvey.

Deliberation of Board

Motion by Beukema with support from Welch to allow for variance request of the side yard setback requirement from 10' 10" to go to 7' 9" (to the eave) taking into account previous findings, as well as recognizing the proposed building is now less non-conforming. ROLL CALL: Rottshafer- yes, Beukema- yes, Cook- yes, Schwennesen-yes, Welch-yes. Yes: 5, No: 0. MOTION CARRIED.

Motion to allow for variance request of the side yard setback requirement from 10' 10" to go to 7' 9" (to the eve). MOTION CARRIED.

Consideration of Third request (c) (Street setback):

C. Applicant is also requesting a variance to the minimum street setback: Every dwelling or structure shall be setback at least twenty-five (25) feet from the public or private road right of way or easement boundary line. Applicant is requesting a setback variance which would result in a structure set back less than the minimum required. Article XII – Sec. 12.4.3.a.(1)

D. Thelen commented that he has since made a change from his original street setback request of 3'6" and reconfigured to 4'10" which is his new (request).

Board Deliberation

Motion by Welch with support from Rottshafer to allow closest point of the building to be no closer than 4'10" to the road right-of-way to give relief from the 10' requirement but garage must stay 10' away. ROLL CALL: Rottshafer- yes, Beukema- yes, Cook-yes, Schwennesen- yes, Welch-yes. Yes: 5, No: 0. MOTION CARRIED.

OTHER/OLD BUSINESS: None.

ADJOURNMENT: It was motioned by Beukema and seconded by Rottschafer to adjourn at 8:16 p.m. Approved by all.

Respectfully submitted:

Deb Mousseau

Approved by: _____

Date: _____

Recording Secretary

Janice C. Lippert, Township Clerk

5-13-15

Approved July 14, 2015 as presented

Motion regarding third and final variance request (of tonight's meeting).

**OTHER/OLD BUSINESS:
None.**

ADJOURNMENT

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