

**YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
MEETING**

**Tuesday, May 23, 2017
7:00 PM**

**Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333**

MINUTES

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ZBA
5-23-17

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

Roll Call: Present: Cathy Strickland (PC Rep.), Jacob Welch, Roger Rottschafer, Todd Delamar (Alternate), Ron Heilman.

PLEDGE OF ALLEGIANCE –

Also Present: Professional Planner: Rebecca Harvey

Staff Present: Larry Knowles- Zoning Administrator, Sandy Marcukaitis, John Frigmanski, Dave VanHouten, Chuck Biggs, Michael Maring.

Visitors: 10 - not including staff present.

CALL TO ORDER

ROLL CALL

PLEDGE

REPORTS FROM REPRESENTATIVES:

Planning Commission: Cathy Strickland noted the rezoning that occurred at the Planning Commission meeting of 5/18/17. Two parcels were previously “flip-flopped” on the zoning map at the NE corner of Cobb Lake and Patterson. It is the Planning Commission’s recommendation to have both parcels C-3. The PC also worked on the Master Plan. The outbuilding/guest quarter SEU request of J. Shaffer on Archwood was tabled until next meeting due to the absence of Shaffer at the meeting.

Board of Trustees: per Roger Rottschafer, Trustee, the Board is working on the fiscal Budget for 2017-2018. A budget workshop session was held last night, May 22, with another meeting scheduled for June 19 (8:00 a.m.), as well as a Budget Adoption Public Hearing on June 21st (7:00 p.m.). A committee is also looking at cost of a Township manager and evaluating going forward.

REPORTS FROM REPRESENTATIVES

APPROVAL OF MINUTES:

Welch noted that the January 3, 2017 and March 2, 2017 meetings were **Joint Meetings**. Motion by Heilman with support from Rottschafer to approve **ZBA meeting minutes of December 13, 2016** as presented . All ayes. MOTION CARRIED.

PUBLIC COMMENT: None at this time

NEW BUSINESS:

ZBA – 17-05-01 PARCEL ID# 08-16-019-031-30 Property address: 12441 W. M-179 Hwy. A request by Midwest V. LLC for a variance to the minimum number of parking spaces required for a retail store. Article XII – Sec. 12.10.b

APPROVAL OF MINUTES:

December 13, 2016 - ZBA meeting minutes approved.

NEW BUSINESS

Todd Stuve, of Exxel Engineering, presented the request. Also present: Jon Abent from MidWest to assist with questions.

Public hearing opened at 7:07 p.m.

Todd Stuve noted tear down of current "Sportsmen's Bar" would occur. Maximum parking spaces needed for Dollar General is thirty (30). Dollar General is proposing 30 with an additional sixteen (16) deferred.

R. Harvey commented the Zoning ordinance says 46 spaces required. Harvey guided the ZBA in its decision making process.

R. Heilman asked about trees on plan. It was confirmed trees are existing trees (per T. Stuve).

R. Rottschafer inquired regarding semi parking. It was confirmed there will be just grass not gravel – so no semi parking (per Stuve).

Dave VanHouten, of Rock Dr.– viewed the site plan and inquired on reserved spots.

Bob Genter, of Parker Dr. – inquired about paving. It was confirmed it would be paved again.

CLOSE PUBLIC HEARING - at 7:16 p.m.

Motion by Strickland with support from Rottschafer to Close Public Hearing at 7:16 p.m. All ayes. MOTION CARRIED.

BOARD DELIBERATION TOOK PLACE-

Rottschafer – commented the representatives of Dollar General/Midwest know how many parking spaces are needed. Deferred parking – 16 spaces - has been confirmed to be available.

R. Heilman- was concerned if the ZBA could make it a condition for more parking in future.

Delamar – felt as a retail business, Dollar General would know what parking is needed.

Welch– concurred with Delamar.

Motion by Strickland with support from Heilman to approve request of Midwest V. LLC for a variance with the reduction in the number of minimum parking spaces required for a retail store (46) down to (30) based on documentation from Dollar General Corporate Offices that it is adequate for their facility with the condition that an additional 16 spots could be added in the future if the township so decides- Parcel #08-16-019-031-30. Roll Call vote: Welch: Yes, Heilman: Yes, Strickland: Yes, Rottschafer: yes, Delamar: yes. Yes: 5, No: 0. MOTION CARRIED.

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Public hearing opened at 7:07 p.m.

PUBLIC COMMENT

Motion to Close at 7:16 p.m.

BOARD DELIBERATION

MOTION TO APPROVE VARIANCE REQUEST OF MIDWEST V. LLC (DOLLAR GENERAL). 12441 W. M-179 Hwy.

ZBA 17-05-02 PARCEL ID #08-16-155-052-00: Property address 2177 Parker Dr., Wayland MI 49348

- A request by Gary & Marilyn Martin for a variance to the maximum allowable total building coverage. The variance requested is to build a structure that would cover 45% of the lot. The maximum allowable total building coverage is 30%.
- A request by Gary & Marilyn Martin for a variance to the maximum allowable total lot coverage. The variance requested is to build a structure that would cover 45% of the lot. The maximum allowable total lot coverage is 40%.
- A request by Gary & Marilyn Martin for a variance to the minimum rear yard setback allowable. The variance requested is to build a structure that would be 7 feet from the rear property line. The minimum rear yard setback allowed is 10 feet.
- A request by Gary & Marilyn Martin for a variance to the minimum front yard setback allowable. The variance requested is to build a structure that would be 23 feet from the front property line. The minimum front yard setback allowed is 25 feet.

Open Public Hearing at 7:22 p.m.-

Motion by Rottschafer with support from Heilman to open public hearing at 7:22 p.m. All ayes. MOTION CARRIED.

PUBLIC COMMENT

Gary Martin presented his request.

Marilyn Martin commented on their son having a closed head injury since 1991 – Their son has lost his rental apartment. The Martin’s want him to have his own independence, but he does need help. People take advantage of him, so knowing what’s going on and being close by is necessary.

Bob Genter –of 2212 Parker Drive, noted his concern with a deviation from the ordinance. Genter passed out pictures of Parker Drive. He commented on a definite problem of variances in the past being given on Parker Drive. Genter mentioned one of their neighbors building a 2800 sq. foot house that has a 12 ft. driveway (which was into the roadway). “Variances have been given freely and way too often on Parker Dr.” according to Genter. “Parking is a cluster at best. In the summertime, it’s even worse.....Emergency vehicles need to get thru.... It’s haphazard at best that they can get thru. People have been granted variances to build bigger houses with no parking or driveway. I don’t think that’s a precedence that we have to continue with. There’s a 2800 sq. ft. house but can’t have a driveway to park a car in. That’s unacceptable as a neighbor. We have ordinances with setback requirements for a reason. I think we need to adhere to that,” commented Genter. Genter commented that he didn’t know about the hardship case in this issue, he was expecting a big pole barn. Genter commented on pictures he had distributed of pole barns. He noted their setbacks off the road. Genter’s primary concern was the road side setbacks because of the parking on their street. Genter inquired about the height of the proposed building.

G. Martin commented that it was planned for 16 feet (height), with storage on top with a wood shop. The front part would be for inside parking of vehicles.

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ZBA 17-05-02 PARCEL ID
#08-16-155-052-00: Property
address 2177 Parker Dr.,
Wayland MI 49348

Open Public Hearing at
7:22 p.m.

PUBLIC COMMENT

L. Knowles commented on the parcel being actually 2 (two) platted lots. The owner of the parcel sold to two different people. The Martins own the north half. It was clarified that Martin would be putting up a “residence”, a typical structure/principal building – not an outbuilding- to be treated as a single family home with a garage and a workshop.

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R. Harvey noted the lot coverage includes the parking area and driveway- and the building covers 40% in itself. R. Harvey noted that the plan has to have the driveway and acreage on it to be included in the building coverage.

G. Martin commented on possibly using a stone drive if needed to decrease lot coverage. Martin noted he was looking for input for a solution tonight.

Discussion took place on impervious surfaces.

Merle Edgell, of 2146 Parker Dr. – “I know parking is an issue about 3 (three) months a year. We do run into a lot of congestion sometimes. When you have company with 5 (five) families there is no lot that will hold the parking spaces. It wouldn’t bother us one way or another,” noted M. Edgell.

Alice Adgell, of 2146 Parker Dr. – commented “We share parking in the neighborhood too; it’s what we do.”

Bob Genter – asked why the building couldn’t be smaller, and more compliant. Genter noted he wasn’t against the Martins building, it was parking that was the concern.

Marilyn Martin commented on having his studio apartment up above (living quarters upstairs).

L. Knowles – commented that there would be issues with it. If the apartment were upstairs, then it would have to be called a guest quarters. (Then this would need a variance).

Gary Martin – My son is going to be there. G. Martin repeated that he’d like to find a solution.

According to G. Martin’s sketch: Calculations were made.

Building coverage is 52% and total coverage is: 63%

Todd Delamar inquired on the door widths planned by Martin.

- Reduction of building size was discussed in order to meet the setback.

Practical Test of Difficulty read by J. Welch -

Practical Test of Difficulty
read by J. Welch

Motion by Rottschafer with support from Delamar to close public hearing at 7:48 p.m.
All ayes. Motion Carried.

Close of Public Hearing at
7:48 p.m.

BOARD DELIBERATION:

C. Strickland commented on going with a different size building to meet setback requirements. It was determined that it would have to be too drastic of a cut.

Rottschafer – commented that he wasn't on the ZBA way back when. Rottschafer agreed that there were issues on Parker Drive. Rottschafer commented on how he had to make adjustments with his own home because of the township zoning rules. The ZBA wouldn't let him change no matter what he did. "It's nothing against your son...If you were close, it would be one thing – but you are basically way over on everything, so my opinion is that we have to turn this down," commented Rottschafer.

R. Heilman – tried to look at it from all different angles. Heilman looked at other buildings in the area – and it didn't help to take an average of 300' because most of those buildings are sitting back in the 25 foot required, so nothing is gained from that. Heilman noted that the ZBA had to stay with the ordinance and the ordinance probably was in there for the need for run-off and green space. Heilman concurred with Rottschafer, and couldn't favor it the way it stands.

Todd Delamar – addressed drainage and asked what would be done with the run-off. Delamar asked about width of doors previously- to try determine possible reduction of building size to meet ordinance.

Gary Martin – commented he would go to the "swamp" behind with run-off noting the water is there year around.

T. Delmar – commented on checking on possible wetland designation and requirements with it legally. Delamar agreed with the busy road being a safety issue.

M. Martin – commented on company parking at the park and going to pick them up, which were the only options available rather than parking on the road.

Welch- commented that he is always the one "to try and do what he can to give you what you want." Welch noted he was not a fan of all regulations, but there are rules and regulations. Welch couldn't find any plausible reason to go away from the ordinance.

R. Heilman – noted the garage and a place for their son is the primary concerns for the building. Heilman commented the workshop is not a "necessity type of thing". Heilman looked at the plans a long time to try to help.

R. Harvey – noted she had reviewed her notes which reflected the ZBA (through its deliberation and its conversations/comments) hitting on the various criteria that it would apply to the variance consideration(s). The ZBA:

- Made findings with respect to options for compliance available.
- Reviewed the objectives of both of the standards and found that the intent was not met through the grant of the variance.
- The ZBA looked at the surrounding area and identified that adjacent properties were in compliance.

R. Harvey also mentioned that in the ZBA's conversation it was also determined:

- There were not unique circumstances with the property.
- The intent of setbacks- Building separation, health safety, off street parking.
- The lot coverage objectives: storm water management, building mass.

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**BOARD
DELIBERATION**

FINDINGS OF FACT

Gary Martin wondered if he could meet the 1500 ft. (allowing for overhang) building coverage and setbacks –would he have to come in again (to the ZBA)?

J. Welch mentioned the driveway would have to be less than 500' sq. ft. for total lot coverage.

T. Delamar mentioned having the work shop and storage above living quarters as an option.

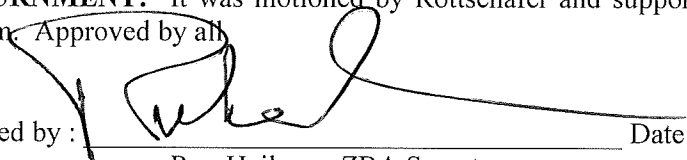
Motion by Welch with support from Strickland based on the findings of fact, to move to deny the four zoning requests for variance of G. & M. Martin, Parcel ID# 08-16-155-052-00 – 2177 Parker Dr., Wayland, MI. Roll Call vote: Welch: Yes, Heilman: Yes, Strickland: Yes, Rottschafer: yes, Delamar: yes. Yes: 5, No: 0. MOTION CARRIED.

G. Martin inquired what should he do if he can find a product that would be “impervious” – to decrease coverage. It was noted that this would go before the Planning Commission.

OLD BUSINESS –

J. Welch referred to a worksheet to try to work through a variance request. Welch emailed this to those involved with the ZBA and asked for feedback on it.

ADJOURNMENT: It was motioned by Rottschafer and support by T. Delamar to adjourn at 8:14 p.m. Approved by all

Approved by :  Date: 6/13/17
Ron Heilman, ZBA Secretary

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

Respectfully submitted by:
Deb Mousseau
Recording Secretary
5-24-17

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MOTION to deny four zoning requests of G. Martin, 2177 Parker Dr., Wayland.

OLD BUSINESS

ADJOURNMENT