

Yankee Springs Township

Zoning Board of Appeals

Tuesday, March 8, 2011

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FINAL MINUTES

Approved as amended

April 12, 2011

Meeting called to order at 7:00 pm by Richard Beukema, Chairperson.

Buekema advised the applicants on this evening's agenda that they have the right to reschedule with a full board as there are only 4 members present, so it would take 3 yes votes for approval.

Both Gary Sias and Timothy Cunningham agreed to go ahead with their requests.

Present: Mary Cook, Richard Beukema, Gordon Wells and Keith Middlebush. Alternate members Paul Heystek and Chuck Biggs absent with notice. Bob Lippert, Zoning Adm. and 6 visitors.

Motion by Wells to approve the February 17, 2011 meeting minutes with a copy of the corrected ZBA Annual Report to be attached. Second by Cook. Approved by all. Motion carried.

New Business:

ZBA 11-02-01, Parcel ID 010-008-00 – A request by Gary Sias for a variance to split a parcel into two parcels with more than 1:4 width to depth ratio at 4061 Upton Road, Middleville, MI.

Public hearing was opened at 7:10 pm.

Gary Sias advised that in order to settle his mother's estate he is requesting this property be divided between her sons with one parcel being approximately 10 acres in size and the other a little smaller but includes the home.

Mary Cook questioned whether the property is currently being farmed – yes.

Buekema questioned the access to the property.

Lippert advised that the deviation of the ~~4:1~~ width to depth ratio would be off by approximately 1 foot due to the location of the existing home. 1:4

Cook read the practical difficulty test criteria.

Meets road frontage, off by only a minimal amount, location of state land to the North does not allow for them to purchase additional property.

Cook noted that if the variance is granted this would be the only split allowed without the addition of a private road.

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Public hearing was closed at 7:19 pm.

Motion by Cook to approve ZBA 11-02-01, Parcel ID 010-008-00 – A request by Gary Sias for a variance to split a parcel into two parcels with more than 1:4 width to depth ratio at 4061 Upton Road, Middleville, MI because there is no way to add width to the property, it is currently being farmed, split to settle the family estate, and contingent that any future splits would require a private road. Second by Wells. Approved by: Cook, Beukema, Wells and Middlebush. Motion carried.

ZBA 11-02-02, Parcel ID. 125-015-00 – A request by Timothy and Linda Cunningham for a variance to allow structural coverage of 34% for a proposed home at 1868 Heritage Bay Drive – Middleville, MI.

Public hearing was opened at 7:20 pm.

Timothy Cunningham discussed existing property on Barlow Lake – one on lake and two across the road. Their plans include moving an existing cottage from the front lot to the back lot, demolishing an old cottage on back lot and then build new home on the front.

It was advised there is an existing access area that cannot be built upon.

It was noted the location of the road is not where originally platted.

Cook explained the intent of the 30% lot coverage.

Existing front cottage structure is very close to the lot line to the West. Back cottage includes a shed that intrudes on the neighbor as well as a well that is actually located on the neighbor's property. Project would eliminate both of these situations.

Access cannot be sold due to the right of way.

Gary VanHouten wanted to make sure the right of way is left in tact. It was also noted he is concerned with the setbacks encroaching on the neighbors.

Maximum building coverage is 30% - applicant is requesting 34%.

Lippert questioned if the 34% calculation is based on the platted lot.

55 foot wide lot size.

Jim Peterson, Jim Peterson Builders questioned the lot coverage requirements for Gun Lake Zoning District and if this has recently changed? Lippert advised that this new language was for setback requirements not lot coverage requirements.

Jim Cunningham advised that he supports this request and he hopes the ZBA grants the request based on the fact that it meets the setbacks.

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Cook read the practical difficulty test criteria.

Cook advised that she sees no real demonstrated hardship due to the fact they have a blank slate to build on once the existing cottage is moved.

Mr. Cunningham advised that he feels consideration should be given to the location of the road which is not where it is supposed to be and could effect the measurements.

Lippert showed the ZBA an aerial view of the property.

Middlebush advised that he feels the changes would be an improvement to the neighborhood.

Beukema questioned whether the lot coverage calculations include the deck?

Review of lot coverage percentage figures and options.

Request whether it would be possible to make the 12 x 12 deck at the 18" height so it would not have to be included in the calculations.

Jim Peterson advised that a retaining wall would probably be required to accomplish this but that it is possible.

Public hearing was closed at 8:00 pm.

Motion by Cook to approve ZBA 11-02-02, Parcel ID. 125-015-00 – A request by Timothy and Linda Cunningham for a variance to allow structural coverage of 122' over the 30% lot coverage requirement for a proposed home at 1868 Heritage Bay Drive – Middleville, MI contingent upon lowering the 12 x 12 deck section to the 18" level so that it can be removed from the square footage calculations. Second by Wells. Approved by: Cook, Beukema, Wells and Middlebush. Motion carried.

Old Business: None.

Motion to adjourn by Cook. Second by Wells. Supported by all. Motion carried.

There being no further business the meeting was adjourned at 8:05 pm.

Respectfully submitted,

Katie Hayward  
Recording Secretary

(3-9-2011)