

<p style="text-align: center;"> <b>YANKEE SPRINGS TOWNSHIP  ZONING BOARD OF APPEALS  MEETING  <u>Tuesday, May 10, 2022</u>  6:00 PM  Yankee Springs Township Hall  284 North Briggs Road, Middleville, Michigan 49333</b> </p> <p style="text-align: center;"><b>MINUTES</b></p>	<p style="text-align: center;"><u><b>FINAL MINUTES</b></u>  Page 1 of 3  ZBA Meeting  May 10, 2022</p>
<p>Meeting called to order at 6:02 PM by John Frigmanski</p> <p><b>PLEDGE OF ALLEGIANCE</b></p> <p><b>Roll Call:</b> Present: Dave VanHouten, Mike Boysen, John Frigmanski, Ron Heilman.</p> <p>Absent with notice: Jake Welch  Absent: John Jerkatis</p> <p><b>Staff Present:</b> Mark Thompson, Shana Bush</p> <p><b>Visitors:</b> 3</p>	<p><b>CALL TO ORDER</b></p> <p><b>PLEDGE OF ALLEGIANCE</b></p> <p><b>ROLL CALL</b></p>
<p><b>REPORTS FROM REPRESENTATIVES:</b></p> <p><b>Planning Commission:</b> No report.</p> <p><b>Board of Trustees:</b> Dave VanHouten, Board Trustee: Talked about staffing committees, we need a replacement for Karen Kennedy on the PC and another alternate for the ZBA for Bill as he has retired. Talked about the Park getting more bark and Zumba and yoga at the park. Approved the purchase of the Kodiak leveling device for the fire station and approved the language for the Henika Library. Talked about the goose egg and nest resolution so some of the places on Gun Lake they're going to eliminate some of the nests and eggs. Talked about the Home Occupation Ordinance amendment and then accepted bids for the township renovation project which were opened today. Also held the Township clean-up day.</p>	<p><b>REPORTS FROM REPRESENTATIVES</b></p>
<p><b>INQUIRY ON CONFLICT OF INTEREST:</b></p> <p>Heilman inquired if there are any conflict of interest with the board regarding tonight's request. There are none.</p>	<p><b>CONFLICT OF INTEREST</b></p>
<p><b>APPROVAL OF MINUTES:</b></p> <p><i><b>Motion by Boysen with support from Frigmanski to approve the March 8 ZBA meeting minutes.</b></i>  All ayes. MOTION CARRIED</p>	<p><b>APPROVAL OF MINUTES</b></p>
<p><b>NEW BUSINESS:</b></p> <p><b>ZBA 22-04-05 Parcel ID 08-16-145-049-00</b> A request by Kim and Claudette Lozano of Oakwood Shores, Wayland, MI to request relief to allow for construction of a single-family dwelling that fails to meet the required setbacks. Site is .29 acres.</p> <p>Heilman let the applicants know that only 4 board members are present tonight so a "no" vote by two will not allow the variance to be granted. The applicants agreed to go ahead with the request tonight.</p>	<p><b>NEW BUSINESS</b></p> <p><b>ZBA 22-04-05 Parcel ID 08-16-145-049-00 REQUEST BY KIM &amp; CLAUDETTE LOZANO</b></p>

Applicant shared that several lots in their area on the channel are “pie shaped” and theirs is one of them. Their plan is to build a single-story home on the vacant lot next to their current home which for now would be a rental or vacation home for their children.

To build the structure they need to be slightly closer to the lake than the allowed setback.

Discussion took place as to the type of dwelling that is being built.

**Patty Koval:** 12505 Oakwood Shores. She raised questions about the location of the dwelling on the lot and mentioned that other “pie shaped” lots have been able to comply with the setback. Her opinion is that it should not be approved as requested as it is self-imposed.

Further discussion was had regarding the height of the deck and whether it would be above 18”. If it is 18” or less that does not have to be included in figuring the setback. This means that the variance requested will be less. The applicant is willing to move the home 5 feet closer to the road. When added to the deduction for the deck the actual variance is now 14.5 feet.

**Motion by Heilman with support from Frigmanski to close the public hearing.** All ayes.

MOTION CARRIED

**John Frigmanski read the Practical Difficulty Standards and each standard was considered. The ZBA discussed the request as they went through each standard.**

**PRACTICAL  
DIFFICULTY  
STANDARDS**

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 ensuring that the spirit of the Zoning ordinance is observed, public safety secured, and substantial justice done (not to 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).

***Board deliberations took place. The board discussed possible changes with the applicant that would allow the dwelling to fit within the required setbacks.***

**Motion by VanHouten with support from Frigmanski that this request is turned down and the reasons for it is that going by reasons one through six there’s no reason to allow it. Roll Call Vote: VanHouten: yes; Boysen: yes; Frigmanski: yes; Heilman: yes.**

**MOTION TO DENY  
REQUEST FOR  
VARIANCE RELIEF**

Yes: 4, No: 0. MOTION PASSED

**FINAL MINUTES**

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ZBA Meeting  
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**OLD BUSINESS:**

The Planning Commission has a special meeting tomorrow at which time some of the issues that the ZBA has requested will be reviewed.

Frigmanski asked Mark Thomson about the ordinance regarding "pole barns" because currently pole barns are not allowed on a residential lot. It is basically a matter of terminology but is something that should be addressed as these types of buildings are becoming more popular. This should be discussed at the Planning Commission.

The designer or architect should be helping the resident to determine if they are within the proper setbacks. This would save trouble for the resident. It was discussed whether or not PCI can make that suggestion to the resident when they come in for the permit. Most often the resident already has their plans when they come in to see PCI.

The board discussed that another alternate is needed, perhaps two if John Jerkatis is unable to attend regularly.

**ADJOURNMENT:**

*Motion by Heilman with support from VanHouten to adjourn meeting at 7:14 PM.* All Ayes,  
MOTION CARRIED.

Approved by:   
Ron Heilman, ZBA Secretary

Date: 07/07/2022

Respectfully submitted by:  
Betsy Frigmanski, Recording Secretary  
May 13, 2022

**OLD BUSINESS**

**ADJOURNMENT**