

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS MEETING</p> <p style="text-align: center;">Tuesday, November 10, 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>FINAL MINUTES Approved March 22, 2016 as presented</p>
<p>Meeting called to order at 7:02 PM by Mary Cook, Meeting Chairman</p> <p>Roll Call: Present: Mary Cook, Al Schwennesen, Richard Beukema, Roger Rottschafer, Chuck Biggs (Alternate), Jake Welch</p> <p>Also Present: Rebecca Harvey, Professional Planner</p> <p>PLEDGE OF ALLEGIANCE –</p> <p>Staff Present: Larry Knowles- Zoning Administrator, Sandy Marcukaitis, Frank Fiala and Greg Purcell.</p> <p>Visitors: 4 - not including staff present (also there were 5 others in attendance that were waiting to attend the Fire Services meeting <u>after</u> this ZBA meeting).</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><u>REPORTS FROM REPRESENTATIVES:</u></p> <p>Planning Commission: Beukema commented on the last PC meeting (October 15, 2015). The Planning Commission received a request to re-zone a property on the west side of Barlow Lake (Zone to Rural Residential from Agricultural). Due to the intent to erect a pole barn, this request was tabled to the November meeting (November 19, 2015) due to lack of information. Work has begun on updating Master Plan. Planning Commission members, Paul Heystek and Greg Purcell will be absent from the meetings during the winter months, but the Planning Commission would like to include them in the meetings via Skype. New member, Tressa Knowles, was also welcomed to the Planning Commission.</p> <p>Board of Trustees: Rottschafer commented on meeting of the Facilities of the YS Office and Township Hall (October 29, 2015). Fire contract is also currently being dealt with.</p>	<p><u>REPORTS FROM REPRESENTATIVES</u></p>
<p>APPROVAL OF MINUTES:</p> <p>Correction by Rich Beukema to <u>Report from Representatives in Minutes of September 8, 2015:</u></p> <p>Strike: <u>It is also looking into property control of land under the state of Michigan</u> (2nd line of Planning Commission Report).</p> <p>Replace with: <u>It is also looking at having input into uses of land under control of the state of Michigan.</u></p> <p>Motion by R. Beukema with support from R. Rottschafer to approve ZBA meeting minutes of September 8, 2015 as corrected and amended. All ayes. MOTION CARRIED.</p>	<p>APPROVAL OF MINUTES:</p> <p>Minutes of ZBA September 8, 2015 Meeting approved as amended.</p> <p>Page 1 of 4 ZBA 11-10-15</p>

NEW BUSINESS:

Motion to open public hearing at 7:08 p.m. Motion by J. Welch with support by R. Beukema to open public hearing for ZBA 15-11-11 PUBLIC HEARING, John Cremer. All ayes. MOTION CARRIED.

Opening of Public Hearing at 7:08 p.m.:

ZBA 15-11-11 Parcel ID #08-16-105-028-00 Property address: 12960 Hazel Dr.

- a. A request by John Cremer for two variances to the minimum side yard property line setback requirement: 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 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
- b. A request by John Cremer for a variance to the maximum percent of building lot coverage: Maximum allowed is 30%. Applicant is requesting a variance which would result in 35% building lot coverage.

John Cremer of 12960 Hazel Dr., Wayland, MI 49348, presented his request of variance(s).

Public Comment:

A letter from Jim & Lisa Graca, 12970 Hazel Drive, Wayland, MI 49348, dated 11/9/15 was distributed to board members.

Ron Heilman, of 12969 Johnson, lives directly across from John Cremer’s property. R. Heilman’s issue is the amount of buildings on the Cremer property. R. Heilman noted the square footage of coverage of J. Cremer’s property (1,937 sq. ft. for buildings) (just short of 40% according to R. Heilman). R. Heilman felt that Cremer would be at 60% coverage with his sidewalks, deck, and buildings. R. Heilman commented on having to work with the ordinance when he (Heilman) had building projects. Heilman also referred to another neighbor Ron Smith, because he also came under the side setback rules of the ordinance when he purchased a modular home and wanted to move his house over so he (Smith) could look down the channel. He stayed within the guidelines and couldn’t get a variance because of the 5 foot range for side setbacks. (Heilman added that he was speaking for Graca’s on one side of the Cremer property and neighbor’s (Deb and Marty) on the other side since they are from Northern Illinois and weren’t able to get to tonight’s meeting due to travel distance). Heilman commented that the body of Cremer’s house sits right on the lot line. Soffits/overhang was mentioned. Bonus room now on top of Cremer’s garage will direct water onto neighbor’s property (due to snow and rain) according to Heilman. A recent storm directed water to Deb and Marty’s property and underneath their mobile home. Heilman noted that on West side (where the Graca’s live), there is a high wall now and it is not a single story. They are now in the shade and snow will come off top of roof and into neighbor’s kitchen.

A written letter was also received by ZBA members from Ronald V. Heilman.

NEW BUSINESS:

ZBA 15-11-11 Parcel ID #08-16-105-028-00 Property address: 12960 Hazel Dr. (John Cremer)

Motion to open public hearing.
(7:08 p.m.)

John Cremer commented on taking off the gable ends, but wasn't able to do so because of the stop work order. According to Cremer, the house would be more compliant than it was previously (before they did anything to it). He commented that the pitch of the roof is sloped toward water and street (for house). Cremer addressed the sun/shade issue. Cremer was not opposed to making his project comply within the 30% rule. He would like to make his home aesthetically pleasing to the neighborhood and increase the likeability of the other houses in the neighborhood. He guarantees a nice neighborhood. Shed will be gone entirely according to Cremer. In terms of including the driveway, it will stay within the 40% rule. Cremer wants to have as much green space as possible.

Heilman mentioned the concrete work planned and Cremer commented that he won't be over the 40%.

M. Cook brought discussion back to the open public hearing for any comments by other members of the public. (There was no other public comment).

Cremer added that they made sure that they didn't have to do anything zoning-wise. Cremer commented that his plan kind of morphed as time has gone by. Cremer mentioned that his project was \$350,000 in a \$150,000 neighborhood. Cremer doesn't want it to be \$400,000. Cremer commented that the house on Hazel Drive was under 1600 sq ft. living area.

Motion by Rottschafer with support by Welch to close public hearing at 6:41 p.m. All ayes. MOTION CARRIED.

Close of Public Hearing at 6:41 p.m.

Board Deliberation took place.

Rebecca Harvey commented on clarification of issues and advised the ZBA with their decision process.

Test of Practical Difficulty was read by Mary Cook, Chairperson

Motion by Welch with support from R. Beukema that the first variance (#1 of ZBA 15-11-11 Parcel ID #08-16-105-028-00 (12960 Hazel Dr.) request by J. Cremer for two variances to the minimum side yard property line setback requirement be dismissed and deemed unnecessary contingent upon the fact finding of the Zoning Administrator in that the soffits and eaves (or any other offending part) are removed as well as, the addition, the second story of the building, is confirmed to be five feet inside the property line. Based on these two issues this board finds that no variance would be needed. ROLL CALL: Welch: yes, Schwennesen: no, Cook: yes Rottschafer: yes, R Beukema; yes. Yes: 4, No: 1. MOTION CARRIED.

Per Applicant (John Cremer): Request #2 for a variance to maximum percent of building lot coverage (ZBA 15-11-11- 12960 Hazel Dr.) has been withdrawn and waived by the applicant. (The overhangs will go and the garage will be shortened a bit (to get rid of some square footage) per J. Cremer.) It is therefore noted no further ZBA action is required because of the withdrawal of this request (#2).

OLD BUSINESS:

A discussion occurred regarding the ZBA and criteria for compliance with the ordinance and level of involvement of PCI, the Zoning Administrator and Code Enforcement. R. Harvey commented on sitting on the ZBA as being one of the most difficult boards to sit on. As far as violations of any code, "there is never going to be a way to stop them (code violations) from happening whether intentionally or unintentionally," added R. Harvey, Professional Planner.

ADJOURNMENT: It was motioned by M. Cook and seconded by J. Welch to adjourn at 8:40 p.m. Approved by all.

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

Respectfully submitted by:

Deb Mousseau
Recording Secretary
Nov. 11, 2015

OLD BUSINESS

ADJOURNMENT

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