

<p style="text-align: center;"> <b>YANKEE SPRINGS TOWNSHIP</b>  <b>BOARD OF TRUSTEES</b>  <u>Joint Meeting Of</u>  <b><u>Board of Trustees, Planning Commission and Zoning Board of Appeals</u></b>  <b>Lot Coverage Discussion</b>  <b>At 6:00 p.m.</b>  <b><u>Thursday, September 13, 2018</u></b>  <b>Yankee Springs Township Hall</b>  <b>284 North Briggs Road, Middleville, Michigan 49333</b> </p> <p style="text-align: center;"><b>MINUTES</b></p>	<p> <b>FINAL MINUTES</b>  Page 1 of 6  YST Jt. Mtg.- Lot Coverage Amendmt 9/13/18 tabled  Distribute 9-18-18 draft jcl  Approved Oct. 11, 2018 </p>
<p>Meeting called to order at 6:06 pm by Supervisor Mark Englerth.</p> <p><b><u>PLEDGE OF ALLEGIANCE</u></b></p> <p><b>Roll Call: <u>Board of Trustees:</u></b> Present: A. Jansma, M. Englerth, S. VandenBerg, J. Lippert</p> <p><i>*Board Member M. Boysen (joined meeting at 6:55 p.m.)</i></p> <p><b><u>Planning Commission:</u></b> C. Strickland, S. VandenBerg (Board Rep), Pat Jansens (ZBA Rep), F. Fiala, T. Knowles, R. Beukema.</p> <p><b><u>Absent from Planning Commission:</u></b> Paul Heystek</p> <p><b><u>Zoning Board of Appeals:</u></b> John Frigmanski, Ron Heilman, Michael Boysen (Bd. Rep joined meeting at 6:55 p.m.), Dave VanHouten, Pat Jansens (PC Rep).</p> <p><b><u>Absent with Notice:</u></b> Jacob Welch, ZBA</p> <p><b><u>Staff Present:</u></b> Chuck Biggs-Constable</p> <p><b><u>Visitors:</u></b> (11) Staff not included</p>	<p><b>CALL TO ORDER</b></p> <p><b>PLEDGE</b></p> <p><b>ROLL CALL</b></p>
<p><i>Full audio recording of this meeting which is to accompany the written minutes (for this meeting) has been downloaded to the township office computer system on 9/13/18 immediately following meeting.</i></p>	
<p><b>PURPOSE OF MEETING:</b></p> <p>Zoning Amendments were tabled at the August 9<sup>th</sup>, 2018 Regular Board Meeting for further Review and Discussion with the Zoning Board of Appeals Members; Planning Commissioners; and Board of Trustees before adoption of:</p> <ul style="list-style-type: none"> <li>• Zoning Ordinance Amendment ART. XII, Sec. 12.6 – LOT COVERAGE PROVISIONS</li> <li>• Zoning Ordinance Amendment ART.II, Sec. 2.1 - DEFINITIONS</li> </ul> <p><b>Mark Englerth, Supervisor commented on a memo from Rebecca Harvey dated 9/11/18. The following is from the memo:</b></p> <p><i>Note: It is an important function of the ZBA to report to the PC regarding any zoning ordinance provisions that have come before them with a request for clarity or when a particular requirement is resulting in an increase in variance requests. The PC relies on the ZBA to 'let them know' if there are zoning provisions that require a 'rethink'. It is not the job of the ZBA to provide the PC or TB with recommendations on what the standard should be..or to offer an opinion on a requested/proposed text amendment. On that note, the report provided by the ZBA to the PC at the 3.15.18 meeting was an appropriate execution of their responsibilities.</i></p>	<p><b>PURPOSE OF MEETING</b></p>

ROUND  
TABLE  
COMMENTS

**Englerth** commented that R. Harvey said that basically the ZBA shouldn't weigh in or comment on that, "I'm comfortable with what she said. She knows what she is talking about, and that's what we pay her for. So, they don't comment as a board, does that exclude them from commenting individually? They're not going to have total say anyway, this board here (Township Board) has the total say," added Englerth.

**At this time, Englerth asked for round table comments:**

**Rich Beukema** commented that he was comfortable with what (the information) Rebecca has given.

**T. Knowles** commented that she was comfortable with R. Harvey's statement as well.

**C. Strickland** commented that the ZBA's input would be important.

**Fiala** was in agreeance with C. Strickland's (previous comment).

**Jansma** agreed with the information from R. Harvey, Professional Planner.

**Lippert** referred to Heilman and his previous comment(s) as ZBA secretary to the township board during the board public comment time. Heilman commented that the ZBA discussed lot coverage at its business meeting which is held directly after the appeals portion of the ZBA meeting was over. Heilman also noted that he had appeared at the township board that meeting and J. Frigmanski appeared at the Planning Commission. Heilman commented that the they were talking about lakefront property- platted lots prior to 1979. Lippert confirmed that the current ordinance requires a maximum of 30% lot coverage. Lippert referred to the Planning Commission, and asked what the PC recommended to the Township Board. It was confirmed by Fiala that the PC recommended 50% lot coverage. Lippert felt the recommendation of 50% was extreme.

**Heilman** commented that if PC members are not sitting on the ZBA and hearing the appeals, the PC will not know what the ZBA is interested in and what the ZBA wants. Heilman commented that J. Frigmanski went to the PC with information regarding many requests the ZBA has had that are close to 40% coming in asking for appeals. Heilman added, "Rather than have them spend that \$200 coming in to appeal to us about something, if we change the ordinance to 40% it would take care of most all the problems that we have-with appeals. And everybody will be happy. You can't barely build a house anymore and have the coverage you need and include a garage at 30% - not anymore.

**Lippert** asked what the hardship was. **Heilman** commented that there was no hardship. "It's just that with today's houses, the way things are being built, most people are coming in, and like I say, it's under 40%, so if we it went to 40%, it would take care of most all the appeals that we get." Heilman added "When John Frigmanski of the ZBA went to the PC, he wasn't telling the ZBA that the ordinance needed to be at 40%... Frigmanski was just telling the PC, 'Here's what we've got on the ZBA. This is what we (ZBA) have to do,' and that's how John presented it to them." Heilman also spoke that the 50% the PC was recommending wasn't specified as to 40% for the house and 10% for a driveway, etc.

**VanHouten** commented on the hardship of Mr. & Mrs. B. Helder of Manitou Lane trying to request 36% and the lot coverage of pavement. The hardship that VanHouten sees is the lot coverage requirement is difficult to comply with on the small lakefront lots (prior to 1979).

**S. Vandenberg** (referring back to the question of the ZBA being able to comment), commented that R. Harvey is the professional and is the one with the education, and he agrees with her comment.

**P. Jansens, PC Rep to the ZBA**, commented he would agree with R. Harvey, but he also commented that they've (ZBA) always been encouraged to communicate their thoughts.

**J. Frigmanski, ZBA** commented that he suggested that the Helder's go to the PC to address the issue "and at the end of the meeting, in my final comments, I requested it go in the minutes that we would like the PC review this opportunity, that's all there was. Our job is not to make rules, our job is to make sure everybody follows the rules... But we are citizens so we do have the ability to speak, so when Ron (Heilman) came to meeting and got up and spoke, he spoke for Ron. He did not speak for the ZBA. "The ZBA never took a vote, never made a statement, never did any of that stuff. So if you don't want us (ZBA) to be involved in discussion, that's fine. But when you open it up to the public, we can all stand up and talk as private citizens." Frigmanski asked how the PC would know about what people are complaining about "unless we recommend to them that they review the process?"

**Englerth** posed the question to the Board (Of Trustees): Are you ready to proceed and allow the ZBA to participate as "individuals"? The Board was in consensus to allow individual participation.

**J. Lippert** commented, that those in the audience, did not receive the memo from R. Harvey. J. Lippert commented on diminishing the green space between the homes, adding that she did not move here to be in an urban environment. She also commented that she enjoys the roof overhang as not to have water go on her neighbor's property.

**Mrs. Barb Hunt, of 1421 Manitou Lane (Barlow Lake)**, commented that she also made a request to her ZBA and was turned down for a request for additional lot coverage for an addition to their cottage. She was grateful that the PC has done their homework on this, (the 50% lot coverage recommendation) and recommended that this issue would not be put off from meeting to meeting and that the Board approve the ordinance as revised and approved by the Planning Commission.

**Roy Carlson, of 1451 Manitou Lane** commented that the land has been in his family since 1954 - and over the years there's been a lot of changes. "Now homes are a lot larger and many are year around homes. I understand the current regulation only allows 30% building. When you travel around Barlow Lake, it's really hard to see a home built only covering 30%. Most of the homes cover 50% or more. Therefore, I strongly urge the board to raise the coverage from 30% to 50%."

AUDIENCE  
COMMENTS

**Bruce Helder, Manitou Lane**, commented that he was probably the person who started this (situation of lot coverage percentage/recommendation to increase). Helder commented that the board exists “not to just identify a hardship. It’s to identify is it fair? Is it reasonable? Is it what the public wants?...” Helder commented on how he thought the Planning Commission felt “this is way too complicated” as far as looking into building allowance and then adding an additional percentage for many items such as patios, driveways, and other impervious surfaces. Helder commented that he seemed to hear the PC say, “We need to make this a lot simpler. 50% one and done. That is what I understood anyway. (to eliminate all of these other conditions.)” Helder commented on being at the meetings and going through the process with the Planning Commission. Helder felt the PC’s work made a lot of sense and recommended that the Board approve the work of the Planning Commission.

**Frank Fiala, of the Planning Commission**, commented that township zoning should be using the term “based on Practical Difficulty” not “hardship”. Practical Difficulty is not quite as severe. Fiala also spoke regarding impervious surfaces in the ordinance and some issues with a bonus for pervious surfaces that didn’t seem to make any sense. Fiala added that the PC talked to the Planner and the Zoning Administrator, and they pulled ordinances from around the general area. Fiala continued to cover the process of the Planning Commission in getting to its recommendation to amend the lot coverage ordinance.

**C. Strickland**, commented that she should probably identify herself as the person that is not in favor of the lot coverages increases. “I would hate to see big homes built around the lake... Homes should be in proportion to the size of the piece of ground that they lay on.... If it’s a small piece, you knew it was a small piece when you bought it or inherited it. We do not have to go to 50% of the lot being covered. You know what that does to the rainwater?... C. Strickland commented on water going straight into the lake – unfiltered, after noting the grassy areas act as a filter. C. Strickland commented that at Green Lake the neighbors are right on top of each other. Strickland didn’t want the Yankee Springs’ lakes looking like Green Lake. “We’ve had this rule for the last 40 years; what do we say to those people who for the last 40 years have abided by it? (Some audience members commented – “They haven’t (abided by it)”. C. Strickland commented that she hasn’t seen any proof that anybody has built such a large home. “If there is, they’re in violation of our ordinance,” added Strickland. Strickland also noted that she is concerned about the lakes, proportion, and the beauty of the Yankee Springs area.

**Shane VandenBerg** commented what the Township Board/PC/ZBA thinks doesn’t matter. VandenBerg noted it matters what the people (audience) think. “Some of you are going to fight to the death on this,” added VandenBerg. VandenBerg commented on the different ways of the newer generation and referred to his dad, grandfather, and when there was no drugs such as penicillin or diabetes medicine. “I’m not my father, I’m his son... And then we have our children who want to live differently than their parents.” S. VandenBerg commented that the board had already voted on it, and he didn’t know why this meeting was even being held. VandenBerg commented on Ron Heilman who “made a few statements about settling foundations and all that. Talk to engineers. That’s why things have changed so much in 25 years on all these lake lots. There are no longer any foundations that are settling... They either have pilings or ..?.. slabs. That was not fair Ron, when you talked

about that. I agree with you going back to my father and grandfather's generation. If we did things like that we'd have new houses sinking. And I've seen my share of them in my business." S. VandenBerg commented "We are obligated to do what the people have asked us to do. I'm a middle of the road guy. I'm asking the community what they want. ... I don't know if there's any help. I'm 100% in agreement with going with 50% and be done with it. Our board (PC) voted on it."

**Englerth** commented "This is the process. This is government... We are a team. We don't always like each other and we don't always agree... We are going to work together."

**Ron Heilman** commented, "If you are looking at the ZBA, we were the ones that asked the PC to re-address (lot coverage) because we've had so many people come to us... We are listening to the people."

**S. VandenBerg** commented that people are pretty well stuck in their ways.

**J. Lippert** asked whom S. VandenBerg was referring to.

**M. Englerth** called on other members of the joint meeting to comment.

**R. Beukema, PC**, commented that a lot of times he doesn't agree with S. VandenBerg, but he agrees with Shane on the 50% change of lot coverage percentage. Beukema commented on Green Lake, "Go over and try to buy one of those homes. I hope you have enough money because it's going to take an awful lot. You don't see very many homes for sale there. So they can't be too unhappy. Secondly, it's in our interest to generate income for the township- through higher taxes. Higher taxes come when property gets valued higher..." added Beukema. Beukema went on to comment about green space and moving into condos noting that people are more interested in the home, not in the lot.

**J. Frigmanski, ZBA**, commented "I think you have got to take a vote." Frigmanski commented on the community changing noting that the buildings are no longer cottages, but permanent homes.

**A. Jansma, Treasurer**, commented that at one point when having a joint meeting, maybe six months ago or longer, R. Harvey (Professional Planner) was present and so was the YS Attorney. Harvey commented that if you are getting a lot of ZBA requests for one thing, you should take a look at your ordinance. "If we are getting that kind of feed back for the ZBA... we should listen to them." Jansma noted Harvey's advise that it was better to update the ZBA ordinance instead of having everyone always coming to the ZBA.

**VanHouten** commented that he thought the hardship was with just the small lots "in which you could do just about anything prior to 1979. Then in 1979, we limited what they could do. And that's where I think the hardship is. This change is only for those small lots. It's not open season on all lots."

**C. Strickland** commented that the change was on more than just lakefront lots; that it was on residential single family too. "...I understand the problem around the lake. But I do not understand residential single family, because they are on lots that are good sized."

**Fiala** commented on respecting the fact that the ZBA/PC/and Township Board could disagree and say what they think and Fiala felt the process was fantastic.

**Gary Kimball**, of Manitou Lane, commented on how much things have changed since 1956. G. Kimball noted that he moved out here (YS Twp./Barlow Lake) a few years ago. Kimball noted the difficulty in selling his home in Hastings, in 2016, because it only had one bathroom, but in 1956 it was “quite a house. It was on a double lot, it had quite a lot of green space and was close to schools, but it had one bathroom.” Reflecting on his experience with trying to sell his 1956 home, Kimball commented that maybe that’s why people on the lakes are desiring larger homes.

**Supervisor Englerth called for deliberation. A copy of the ordinance was requested.**

**RECESS: 6:57 p.m.**

**RESUME: 7:05 p.m.**

**M. Boysen joined the meeting at 6:57 p.m.**

After the recess, Englerth began to make a motion to amend the ordinance as written by the Planning Commission .... There was discussion on putting a one year window on it to revisit the amendment and see how effective it was.

Lippert commented that the amended ordinance would have to be rewritten because this meeting was a “Special Meeting”. Suggest to add to the Regular Meeting of today; under tabled items, and bring it forward to vote on tonight’s regular meeting.

VandenBerg mentioned (as a side note to previous discussion) that overhangs really do not do away with green space 100%, noting that shrubbery and flowers quite often are planted near entryways and sidewalks.

Jansma commented that the ordinance amendment has to be voted on at a Regular Board meeting.

As a result, the ordinance amendment will be voted on during “Board Action” of the Regular Board Meeting, immediately following this meeting.

**ADJOURNMENT:** At 7:11 p.m., motion was made by VandenBerg with support from Boysen to adjourn the meeting.

Respectfully submitted:  
D. Mousseau  
Recording Secretary

Approved Date:: Draft Distributed 9-18-18 jel

**Janice C. Lippert**, Clerk Approved by Bd Trustees on Oct. 11, 2018

**Tressa Knowles**, PC Secretary: \_\_\_\_\_

**Ron Heilman**, ZBA Secretary: \_\_\_\_\_

**FINAL  
MINUTES**  
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YST Jt. Mtg.- Lot  
Coverage Amendmt  
9/13/18

**AUDIENCE  
COMMENT**

**RECESS**

**ADJOURNMENT**