

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

Tuesday, April 14, 2015

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

MINUTES

**Circulated 4-28-15
FINAL MINUTES
Approved May 12, 2015**

Meeting called to order at 7:03 PM by Mary Cook, Meeting Chairman

Roll Call: Present: Al Schwennesen, Richard Beukema, Roger Rottschafer, Mary Cook, Jake Welch, Chuck Biggs (Alternate)

PLEDGE OF ALLEGIANCE –

Staff Present: Larry Knowles- Zoning Administrator, Sandy Marcukaitis and Jim Orr, Constable.

Also Present: Rebecca Harvey, Professional Planner

Visitors: 15 - not including staff present

ADDITIONS OR CORRECTIONS TO AGENDA: None.

REPORTS OF REPRESENTATIVES

Rich Beukema reported on the Planning Commission which is working on Article XII regarding guest quarters, funneling will be discussed and the PC will also be working on the Master Plan and future land use.

Rottschafer did not have a report at this time from the Board of Trustees.

APPROVAL OF MINUTES:

Rottschafer commented on a recent resolution approved by the Board of Trustees to streamline meeting minutes. Minutes should be summaries or highlights only of meetings, not complete transcripts. Rebecca Harvey added that minutes can be summary in nature, catching the important parts, public comments received, general points of discussion, motions and reason behind the motions to be made clear. R. Harvey reiterated that minutes do not need to be complete transcripts. Brief discussion occurred. It was noted that meetings are recorded in their entirety (by tape recorder).

Motion by Schwennesen with support from Welch to approve ZBA meeting minutes of February 10, 2015 as presented. All ayes. MOTION CARRIED.

Joint meeting minutes of February 26, 2015: Jake Welch made the following correction on page 5, second comment from the end of comments: J. Welch emphasized importance of overcrowding on Gun Lake/overuse. It should read: J. Welch de-emphasized importance of overcrowding on Gun Lake/overuse.

CALL TO ORDER

ROLL CALL

PLEDGE

ADDITIONS TO AGENDA

REPORTS OF REPRESENTATIVES

APPROVAL OF MINUTES:

Minutes of February 10, 2015 ZBA Meeting approved.

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Motion by Beukema with support from Rottschafer to approved minutes of Joint Meeting of February 26, 2015 as amended. All ayes. MOTION CARRIED.

Minutes of Joint Meeting of Feb. 26, 2015 approved as amended.

NEW BUSINESS:

NEW BUSINESS:

ZBA 15-02-04 Parcel ID #08-16-220-051-00 - Property address: 12804 Theris Dr., Wayland.

**ZBA 15-02-04
Parcel ID #08-16-220-051-00**

- a. A request by James Jager Jr. for a variance to the minimum waterfront (front yard) setback requirement: Every dwelling or structure shall be set back not less than the average setback of the structures for one hundred fifty (150) feet on each side of the subject property. Applicant is requesting a setback variance which would result in a structure set back less than the average structures within 150 feet. Article XII – Sec. 12.4.3.b (2)

**Property address: 12804
Theris Dr., Wayland.**

James Jager Jr.

Motion by Welch with support from Beukema to open public hearing for ZBA # 15-02-04. All ayes. MOTION CARRIED.

Open Public Hearing at 7:12 p.m.:

Mr. Jager presented his request of putting a covered deck on the water side/ “front” of his house.

Motion by Beukema with support from Welch to close the public hearing. All Ayes. MOTION CARRIED.

Close Public Hearing at 7:23 p.m.:

M. Cook, ZBA Chair, noted the ZBA has found that the measurements of both properties on each side of the subject property allow for a setback of 41.25 feet, confirmed by the Zoning Administrator, and that the accurate measurements now to the proposed deck that J. Jager would like to build are at the closest point 42.9 feet and allowing one foot for the roof overhang would still flip its closest point at 42.25 feet. It was found that J. Jager would be in compliance of the ordinance requirements. At this point, Mr. Jager withdrew his request.

**Variance #15-02-04
Withdrawn. (J. Jager, Jr.)**

ZBA 15-03-05 Parcel ID #08-16-070-040-00 Property address: 3294 Elmwood Beach, Middleville.

**ZBA 15-03-05
Parcel ID #08-16-070-040-00**

- b. A request by Brian Montague for a variance to the minimum waterfront (front year) setback requirement: Every structure shall be set back at least twenty-five (25) feet from the high water shoreline of the lake. Applicant is requesting a setback variance which would result in a structure setback less than the minimum required.
Article XII Sec. 12.4.3.b.(2)

**Property address: 3294
Elmwood Beach,
Middleville.**

B. Montague

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Applicant is also requesting a variance to the minimum side yard setback of five feet. Applicant is requesting a setback variance which would result in a structure setback less than the minimum required. Article XII – Sec. 12.4.2.a

Motion by Beukema with support from Welch to open the public hearing for ZBA Request #15-03-05. All ayes. MOTION CARRIED.

Open Public Hearing at 7:26 p.m.:

Brian Montague would like to construct a deck. He's planning on using invisible fencing that would not impact the neighbors' views. Montague would like to save a tree near the property line at side yard. Montague would be building into the hill. Deck will have to cantilever over the hill. Montague also mentioned boat houses in the neighborhood.

Marjorie Richards, of Elmwood Beach, asked for clarification as to what B. Montague proposed to do. Montague commented that he is not going "up" with his project.

Two written comments came in to the ZBA per M. Cook. One is in favor and the other comment was not sure about the project (ambiguous).

Motion by Rottschafer with support from Schwennesen to close public hearing. All ayes. MOTION CARRIED.

Close Public Hearing at 7:38 p.m.

Practical Difficulty Standard was read by Mary Cook.

Board Deliberation occurred at this time.

Motion by Welch to table this decision until the next ZBA meeting to determine what the average setbacks are on each side of the property.

Discussion occurred regarding setting a new meeting. Discussion also occurred regarding how neighbors have dealt with this situation differently.

After previous discussion, and in the interest of not wasting anymore of Mr. Montague's time, Welch withdrew his motion.

Motion by Rottschafer with support from Beukema to deny both requests to go to the waters edge and the sideyard edge to 1.5 feet away from the property line. Based on the case not meeting the practical difficulty test and that there are other options available as evidenced by neighbors. Also noted was the actual setback allowance would be in excess of 50 feet (not the 25 ft. standard). ROLL CALL: Rottschafer- yes, Beukema- yes, Cook- yes, Schwennesen- yes, Welch-yes. Yes: 5, No: 0. MOTION CARRIED.

Motion to deny both requests - #15-03-05. Motion Carried.

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ZBA 15-03-06 Parcel ID # 08-16-055-030-00

Property address: 605 Bluff Dr., Middleville

A request by David Williamson for a variance to the minimum street side (rear yard) setback requirement: Every structure shall be setback at least the average setback of the structures each side of subject property 300 feet each way. Applicant is requesting a setback variance which would result in a structure set back from the street less than the minimum required. Article XII – Sec. 12.4.3.a. (1)

Applicant is also requesting a variance to the minimum side yard setback of 10% of the property width. 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.a

Open Public hearing at 8:16: Motion by Beukema with support from Welch to open public hearing at 8:16 p.m (#ZBA 15-03-06). All ayes. MOTION CARRIED.

David Williamson presented his request to the ZBA.

Mike Cunningham, of Heritage Bay Drive, mentioned the proposed project being less non-conforming than the existing structure. Brief discussion took place regarding the ZBA’s consideration of this.

Discussion also took place on rationale behind taking measurements from road edge, road “as traveled” and road right of ways.

It was noted that no written comments or calls came in regarding this variance request.

Close of public hearing at 8:42 p.m.: Motion by R. Beukema with support from J. Welch to close public hearing portion of ZBA 15-03-06. All ayes. MOTION CARRIED.

Board Deliberation took place.

Motion by Welch with support by Rottschafer to approve the variance request of David Williamson (#15-03-06) as requested due to practical difficulty caused by the topography and shape of property and because strict adherence to requirements would make only allow a tiny buildable portion of the lot to build a normal-sized house. It was also noted the road does not lie where platted and the lot is angular to the road. ROLL CALL: Rottschafer- yes, Beukema- yes, Cook- yes, Schwennesen- yes, Welch-yes. Yes: 5, No: 0. MOTION CARRIED.

ZBA 15-03-06 Parcel ID # 08-16-055-030-00

Property address: 605 Bluff Dr., Middleville

David Williamson

Motion to approve variance request of D. Williamson, 605 Bluff Dr., Middleville.

ZBA 15-03-07 Parcel ID #08-16-145-048-00 Property address: 12235 Oakwood Shores Rd., Wayland. Claudette Lozano for a variance to the minimum side yard setback requirement: Every structure shall be set back a minimum of 10% of the property width. Applicant is requesting a setback variance which would result in a structure set back from the side property line less than the minimum required. Article XII – Sec. 12.4.2.a

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Al Schwennesen asked to remove himself as a voting ZBA member for this particular request. Chuck Biggs was asked to replace Al Schwennesen as a voting member on the ZBA board as Al Schwennesen lives within 300 feet of applicant.

C. Lozano's husband presented the request for variance. Extension on garage would provide more storage area enclosed than kept out on the yard. Kayaks and motorcycle would have indoor storage and this would save on expense of storing elsewhere.

NO comments came from the audience. Two letters from neighbors of Lozano's, in favor of their project, had been procured.

Close of public hearing at 9:05 p.m.: Motion by Biggs with support by Rottschafer to close public hearing for #ZBA 15-03-07. All ayes. MOTION CARRIED.

Board Deliberation occurred at this time.

Motion by Biggs with support from Rottschafer to grant a variance to Claudette Lozano at 12235 Oakwood Shores Rd., Wayland, MI (#15-03-07) of 4.2 feet to the building line at the closest corner (point) of the structure due to hardship and lack of area due to the trapezoid-shaped lot and house built facing road. ROLL CALL: Rottschafer- yes, Beukema- yes, Cook- yes, Schwennesen- yes, Welch-yes. Yes: 5, No: 0. MOTION CARRIED.

OTHER/OLD BUSINESS: None.

ADJOURNMENT: It was motioned by Welch and seconded by Rottschafer to adjourn at 9:12 p.m. Approved by all.

Respectfully submitted:

Deb Mousseau
Recording Secretary
4-15-15

Approved by: Mary Cook; Janice C. Lippert draft date 4-21-15
Janice C. Lippert, Township Clerk

ZBA 15-03-07
Parcel ID #08-16-145-048-00

Property address: 12235
Oakwood Shores Rd.,
Wayland.

Claudette Lozano

Motion to grant a variance (of
4.2 feet). Motion Carried.

**OTHER/OLD BUSINESS:
None.**

ADJOURNMENT

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