

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

**Tuesday, April 9, 2019
7:00 PM
Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333**

MINUTES

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Meeting called to order at 7:00 PM by Jake Welch, Chairman.

Roll Call: Present: Pat Jansens, Dave VanHouten (Vice Chair), Ron Heilman- Secretary, John Frigmanski, Jake Welch-Chairman

PLEDGE OF ALLEGIANCE –

Absent with notice: Rebecca Harvey, Professional Planner, Eric Thompson- PCI

Present: Sandy Marcukaitis, Chuck Biggs- Constable.

Visitors: 9 - not including staff present.

REPORTS FROM REPRESENTATIVES:

Planning Commission: Pat Jansens noted the last meeting was 2/19/19. P. Jansens noted that it was short meeting. The (private) road standard was discussed one more time. The PC voted on it. It was a unanimous vote to approve it and send to the Board.

Board of Trustees: There is not a Trustee representative from the Board as of this time.

APPROVAL OF MINUTES:

Motion by Heilman with support from Frigmanski to approve ZBA meeting minutes of November 13, 2018 as presented. All ayes. MOTION CARRIED.

PUBLIC COMMENT: NONE

NEW BUSINESS:

ZBA 19-04-01 Parcel ID 08-16-090-003-00 Property address 12510 Terry Ave. Wayland, MI 49348

a. A request by property owner Ben & Peggy Barghahn for a variance to construct a deck with a gazebo that fails to meet the front yard setback standard.

Open Public comment period: by J. Welch at 7:04 p.m.

Owners bought property in 1979. Looking at replacing what they have, with gazebo added to it. B. Barghahn commented that the footprint that they're looking for is what they have right now.

Discussion regarding corner of survey being out "in the water". Mrs. Barghahn added comment regarding difficulty and expense if plans need to be changed.

No comments from anyone in the audience regarding the request..

CALL TO ORDER

ROLL CALL

PLEDGE

REPORTS FROM REPRESENTATIVES

APPROVAL OF MINUTES:

PUBLIC COMMENT:

None

ZBA 19-04-01
12510 Terry Ave.
Wayland, MI 49348
(Parcel ID#08-06-090-003-00) Barghahn

Close of Public Hearing by J. Welch: 7:17 p.m.

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BOARD DELIBERATED using the Practical Difficulty Test. J. Welch, Chair, read thru the Standards and explained the ZBA's board decision process.

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Practical Difficulty Test:

(Test provided previously by R. Harvey, Professional Planner)

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

The ZBA reviewed the six standards of the Practical Difficulty test in relation to the variance request(s) this evening.

Motion by D. VanHouten with support from J. Frigmanski to approve variance request Parcel ID 08-16-090-003-00 Property address 12510 Terry Ave. Wayland based on following

review of Practical Difficulty Test Standards: #1 Unique circumstances exist and deed restrictions of 1964, #2 Request is not so general as to cause recurring nature because there's not that many properties that have the deed restriction at 30 ft., and a bad/"cloudy" survey. #3 Literal interpretation –owners have obtained a building permit in past. Also, it is a property right that the owners have already had, as well as those in that vicinity. #4 The variance won't be significantly detrimental to adjacent properties. Project doesn't block views. In granting variance, it does not affect waterfront, building separation, visibility, sight lines, consistency of building lines and shore lines. Also, it already exists. It's a replacement. #6 Not self-created.

Roll Call: VanHouten: Yes, Heilman: Yes, Frigmanski: Yes, Welch: Yes, Jansens: Yes.

YES: 5, NO: 0. MOTION CARRIED.

MOTION To
APPROVE

ZBA 19-04-02 Parcel ID 08-16-200-040-00 Property address 1496 Manitou Lane, Middleville, 49333

- a. A request by property owner Gary & Wendy Kimble for a variance to construct an attached garage that fails to meet the front yard setback standard.

Open Public Hearing: 7:34 p.m.

Mr. & Mrs. Gary (and Wendy) Kimble presented request for storage. They are not lakefront. The Kimbles want to enhance property to pull items from lawn and deck inside garage- which is to be built on East side. They also have a new vehicle they'd like to have in a garage rather than in polar vortex weather. Mrs. Kimble described surrounding properties and buildings. Mr. Kimble described property boundaries.

No Comment from anyone in audience.

Close Public Hearing: 7:41 p.m.

BOARD DELIBERATED using standards of Practical Difficulty.

Motion by Jansens with support by Heilman to grant variance Parcel ID 08-16-200-040-00 Property address 1496 Manitou Lane, Middleville, as presented with sketch from Roosien & Associates dated 2/27/19. Standards noted: #1 narrowness of corner lot size having two roads and an adjacent lot create a non-conforming parcel making it unique. #3 gives property rights that others enjoy. #4 it won't be detrimental to adjacent properties and the surrounding neighborhood. #6 the practical difficulty is not self created. Roll Call: Jansen: Yes, Frigmanski: Yes, Welch: Yes, VanHouten: Yes, Heilman: Yes. YES: 5, NO: 0. MOTION CARRIED.

ZBA 19-04-03 Parcel ID 08-16-155-046-00 Property address 2146 Parker Dr. Wayland, MI 49348

- a. A request by property owner Merle & Alice Edgell for a variance to construct an addition to a single family dwelling that fails to meet the front yard setback standard.

Public hearing opened at 7:56 p.m. :

Mr. Edgell presented request. Current 3 season porch is sinking. Would like permanent four-season porch on same site. NO larger. Replacement. Had a permit in 2008 for this.

Letters received from neighbors: (all in favor of project)

Lynette Burns
Gary and M. Martin
Bill Ringlever
Carl Miskotten

Scott Dill of Martin, MI commented that an engineer will be involved and that he (S. Dill) will be managing the construction

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ZBA 19-04-02 Parcel

ID 08-16-200-040-00

1496 Manitou Lane,

Middleville, 49333

Kimble

MOTION To
APPROVE

ZBA 19-04-03 Parcel

ID 08-16-155-046-00

2146 Parker Dr.

Wayland, MI 49348

Edgell

Bob Genter of Parker Dr., Wayland, made recommendation to the Edgell's according to what they (Genters) did with their similar project.

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CLOSE PUBLIC HEARING - at 8:02 P.M.

BOARD DELIBERATED using standards of Practical Difficulty.

Motion by Jake Welch with support from Dave VanHouten to approve variance request Parcel ID 08-16-155-046-00 Property address 2146 Parker Dr. Wayland, to 29 foot setback as shown on applicant's documents— due to unique circumstances on the property, poor soil, previous structure sinking and owner's ability to replace the structure virtually in kind as well as building permit #07104 issued on 12/3/07 (Standard #1 of Pract. Difficulty Test); request is not recurring in nature- (not seen happening frequently) (Std. #2); the literal interpretation would deprive applicant of what's common in area- (Std. #3); variance is not going to negatively impact adjacent properties-(Std #4); doesn't impact spirit of ordinance-(Std.#5); and not of their own doing-(Std. #6). Roll Call VOTE: Welch: Yes, Heilman: Yes, VanHouten: Yes, Jansens: Yes, Frigmanski: Yes. YES: 5, NO: 0. Motion Carried.

MOTION To APPROVE

OTHER SUCH BUSINESS/OLD BUSINESS:

OTHER SUCH BUSINESS

Discussion occurred regarding rebuilding on same footprint, when replacing the existing structure. Pat Jansens to go to Planning Commission regarding this. Two of three of tonight's variance requests dealt with this.

Discussion also occurred regarding surveyed and/or drawn out sketches being very appreciated with a variance request. Biggs commented on insisting on a certified survey/sketch. Stakes are as important as the sketch itself, commented J. Welch.

Also noted was the need for an election for officers of the ZBA. Also, interviews and reappointments to the ZBA need to be made. J. Welch commented that if this isn't resolved by June 1st, he will resign from the ZBA.

ADJOURNMENT

ADJOURNMENT: Motion by Heilman with support from Welch to adjourn at 8:27 p.m. All ayes. MOTION CARRIED.

Approved by :  Date: 5/14/19
Ron Heilman, ZBA Secretary

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

Respectfully submitted by:
Deb Mousseau
Recording Secretary, 4/9/19