

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

**Tuesday, August 14, 2018
7:00 PM
Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333**

MINUTES

FINAL MINUTES

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8.14.18

Approved Oct. 9, 2018

Meeting called to order at 7:00 PM by Dave VanHouten, Acting Meeting Chairman.

Roll Call: Present: Pat Jansens, Dave VanHouten (Vice Chair), Ron Heilman- Secretary, John Frigmanski, Michael Boysen.

PLEDGE OF ALLEGIANCE –

Absent with Notice: Jake Welch, Chairman

Absent with Notice: Rebecca Harvey, Professional Planner

Staff : **Absent with notice:** Eric Thompson, PCI

Visitors: 3 - not including staff present.

REPORTS FROM REPRESENTATIVES:

Board of Trustees: M. Boysen commented that the board is working on the Lot Coverage Ordinance amendment. R. Heilman commented that a Joint meeting would be held. The Township Board tabled the amendment to the ordinance.

A separate report was not requested of Patrick Jansens who is the new Planning Commission Representative to the ZBA.

APPROVAL OF MINUTES:

Motion by Heilman with support from Boysen to approve ZBA meeting minutes of May 8, 2018 as presented. All ayes. MOTION CARRIED.

PUBLIC COMMENT: opened by Vice Chair VanHouten at 7:03 p.m.

Jon Holden, 1348 Lynn Dr., commented that he thought the Planning Commission passed the lot coverage ordinance amendment at 50% at the June Meeting.

Ron Heilman, ZBA, explained that the Planning Commission (PC) recommends amendments to the Township Board. The Township Board is sending it back to the PC to review the lot coverage ordinance amendment again and there will be a joint meeting including the ZBA regarding this.

John Frigmanski – commented that R. Harvey drafts the amendment and it gets sent to the Attorney who puts it in ordinance verbiage. Then the attorney's work goes before the township board (proposed amendment). J. Frigmanski reviewed the calculations of lot coverage percentage to achieve 50%.

CALL TO ORDER

ROLL CALL

PLEDGE

REPORTS FROM REPRESENTATIVES

APPROVAL OF MINUTES: 5/8/18 Meeting

PUBLIC COMMENT

Public comment hearing opened at 7:03 p.m.

I. Boysen, Board Trustee, commented that there had been considerable back and forth (communication) very recently in email form on the verbiage of the amendment in trying to get clarification.

Further discussion occurred regarding small lots where residents would like larger than 30% lot coverage, consequently causing many requests for ZBA variances on smaller lots to larger than 30% coverage. Heilman noted J. Frigmanski spearheaded the proposed amendment by requesting the Planning Commission look into having an increase in lot coverage due to several variance requests to the ZBA.

MOTION to Close Public Hearing by R. Heilman with support from J. Frigmanski at 7:09 p.m. All Ayes. MOTION CARRIED.

NEW BUSINESS:

MOTION to **open Public Hearing** for #ZBA 18-08-06 by Heilman with support from Frigmanski at 7:10 p.m. All ayes. MOTION CARRIED.

ZBA 18-08-06 Parcel ID 08-16-020-005-12 Unaddressed parcel on Lynn Dr. Approximately 250' north off M-179 Hwy., Middleville, MI 49333

- a. A request by property owner Jon Holden, for a variance to allow for the construction of a detached accessory building exceeding the maximum permitted square footage pursuant to Section 12.7 Outbuilding (6) – *Development Standards, Zoning Ordinance*.
 - i. The Building site is a .282 acre vacant lot and is in the RSF District.

Jon Holden, of Lynn Dr., presented his request to the ZBA and those in attendance. Holden explained his need for storage.

Jon Holden, in response to R. Heilman's question, explained that the parcel was owned by Mr. Batson for many years. Holden noted the parcel is now 3 separate lots, (the land split request came before the Township Board)– Commercial (Parcel A), a RSF Residential Single-Family District lot owned by L. Kooistra (Parcel B) and the other RSF zoned (Parcel C) is owned by J. Holden.

R. Heilman commented that a 40' x 40' barn (1,600 sq. ft.) is allowed by the ordinance and asked J. Holden why he needed a 42' x 72' out building. Holden stated multiple uses/reasons as to why he needed more space.

The ZBA asked questions regarding Holden's request and reviewed provided sketch and land survey. Also, a four (4) page review was prepared by Rebecca Harvey, Professional Planner.

J. Holden commented that if he looked at the building as a residence by putting in a kitchenette, a well, and hook up to sewer, he could build a much bigger structure based on the footage coverage allowed for the lot- as a residence.

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**Close of Public
Comment Period**

**Open Public Hearing
At 7:10 p.m.**

**ZBA 18-08-06 Parcel
ID 08-16-020-005-12
on Lynn Dr. –
Outbuilding
Variance Request by
J. Holden.**

There were no other comments from those in the audience regarding the proposed project.

Motion by Heilman with support from Frigmanski to close public hearing at 7:23 p.m. All ayes. MOTION CARRIED.

BOARD DELIBERATION took place.

The "Practical Difficulty Test" or Variance Review Criteria was read by Ron Heilman. (Test provided 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). *No practical difficulty was found (for Criteria #1).*
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). *No practical difficulty was found (for Criteria #2).*
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). *D. VanHouten noted there are six (6) other buildings in the vicinity over 1600 ft. most likely built prior to current zoning ordinance.*
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. *The proposed project was not found to be detrimental.*
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). *R. Heilman noted that the intent of the ordinance was to keep buildings at 1600 sq. ft. or smaller.*
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 practical difficulty was found to be self-imposed.*

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

After reviewing the Practical Difficulty test, it was found that Mr. Holden did not show practical difficulty, therefore Motion was made by Frigmanski with support from Boysen to deny ZBA #18-08-06 Parcel # 08-16-020-005-12, for property located on Lynn Dr., approx. 250' north off M-179 Hwy, Middleville, MI 49333 request for variance to allow for the construction of a detached accessory building exceeding the maximum permitted square footage pursuant to Section 12.7. ROLL CALL VOTE: VanHouten: Yes, Frigmanski: Yes, Mansens: Yes, Boysen: Yes, Heilman: Yes. MOTION CARRIED. YES: 5, No: 0.

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Close Public Hearing

MOTION to DENY request ZBA#18-08-06 of J. Holden.

Heilman recommended J. Holden “talk to Planning Commission (meeting this Thursday evening 8/16/18) and explain to them what you’ve got and you want to put a set up there. ‘The Planning Commission says I can put a kitchenette in there and have a room,’ and like I say we can’t make any promises, but as long as you stay within the ordinance and the guidelines of whatever the ordinances are, perhaps you can come up with something. Like you say these Morton buildings, they do a lot of different, neat things with them. And that would be our suggestion when you go Thursday to talk to them. Tell them what you would like to do. ...maybe kind of alter your approach and just tell them I can’t build a pole building up that’s 42 x 72 but can I put up- and then go into discussion with them. They can look at the ordinances and they can tell you what you can and can’t do...”

J. Holden mentioned that he was told “just put two buildings up.”

Heilman commented (to Holden) that two buildings would be way over what the percentage was for the lot coverage. (Depending on size of buildings). Heilman noted that an outbuilding “is a whole different thing.”

J. Holden commented “What constitutes an outbuilding vs. residence- so to speak- building.”

OTHER SUCH BUSINESS: Such other business as may properly come before the Zoning Board of Appeals.

R. Heilman spoke of the **Master Citizen’s Program** for certified **Master Planner certification**) and gave upcoming dates for those who may be interested.

Heilman commented on having a full board this evening. Heilman also thanked Mike Boysen for sitting on the board commenting, “We sure appreciated you for the short time you were here.”

Discussion also occurred on reviewing the ZBA’s deliberation process with the applicant.

ADJOURNMENT: It was motioned by Jansens and supported by VanHouten to adjourn at 7:58 p.m. Approved by all.

Approved by : _____ Date: Oct. 9,2018_
Ron Heilman, ZBA Secretary

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

Respectfully submitted by:
Deb Mousseau
Recording Secretary, 8/14/18

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OTHER SUCH BUSINESS

ADJOURNMENT