

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

**Tuesday, December 9, 2014**

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

**MINUTES**

**Circulated 12/16/2014  
FINAL MINUTES  
Approved Feb 10, 2015**

<p>Meeting called to order at 7:00 PM by Mary Cook, Meeting Chairman</p> <p><b>Roll Call:</b> Present: Roger Rottschafer, Mary Cook, Al Schwennesen, Richard Beukema.</p> <p><b>Also Present:</b> Rebecca Harvey, Professional Planner</p> <p><b>PLEDGE OF ALLEGIANCE –</b></p> <p><b>Staff Present:</b> Larry Knowles- Zoning Administrator, Sandy Marcukaitis, Mark Englerth and Jim Orr, Constable.</p> <p><b>Visitors:</b> 4- not including staff present</p>	<p><b>CALL TO ORDER</b></p> <p><b>ROLL CALL</b></p> <p><b>PLEDGE</b></p>
<p>Comment by M. Cook, Meeting Chairman, regarding April Hodnicak having the right to or not to- proceed tonight because there are only four members present. Three of four votes are needed to approve or deny the request presented. After explanation was given, A. Hodnicak agreed to proceed with the public hearing.</p>	<p><b>Option to proceed (or not) explanation.</b></p>
<p><b>APPROVAL OF MINUTES:</b></p> <p>Motion by Rottschafer with support from Beukema to approve ZBA meeting minutes of <b>September 2, 2014</b> as presented. All ayes. MOTION CARRIED.</p> <p>Motion by Cook with support from Beukema to re-table minutes of August 12, 2014 as in minutes of 9/2/14 and to be included in the next ZBA meeting packet. All ayes. MOTION CARRIED.</p>	<p><b>APPROVAL OF MINUTES:</b></p> <p>Minute approval of <b>September 2, 2014</b> meeting. Motion Carried.</p> <p>Motion to re-table minute approval of <b>August 12, 2014</b>. Motion Carried.</p>
<p><b>NEW BUSINESS:</b></p> <p><b>ZBA 14-11-06 Parcel ID 08-16-205-011-00 Property address: 3179 Sandy Beach, Wayland, MI. A request by April Hodnicak for a variance of minimum side yard setbacks.</b></p> <p><b>Open public hearing at 7:14 p.m.</b></p> <p><b>Kelly Kient, of 3172 Sandy Beach,</b> commented that the entire deck was completely removed- to the house. Kient commented building permits were not pulled, and there were no inspections. Setbacks were never taken into consideration. No survey was done. Kient commented that her view is obstructed, and she does not agree with this (variance request). Kient mentioned the property as a FEMA-deemed flood zone and is unsure about the integrity of the structure.</p>	<p><b>NEW BUSINESS:</b></p> <p><b>ZBA 14-11-06 Parcel ID 08-16-205-011-00 Property address: 3179 Sandy Beach, Wayland, MI. A request by April Hodnicak .</b></p> <p><b>Open public hearing at 7:14 p.m.</b></p> <p>Page 1 of 4 ZBA 12-9-14</p>

**Mark Cox**, 3172 Sandy Beach, sympathized with the money spent on the project, but feels it should have been checked out upfront. As a neighbor, they (Cox & Kient) no longer have a good view of the lake with the enclosure. Cox commented that this potentially affects their quality of life and essentially the value of their property.

**Dave Bessey, Builder**, commented that he didn't get the building inspected at first, and should have called the township. Bessey commented that the work is the same as the previous existing structure, but the only thing that changed is that the lower level has been boarded and screened in with screen windows. Stairs are in the same spot. It's composite and boarded on the bottom with screens.

Section 16.3 of the Zoning Ordinance (Non-Conforming Structures and Dwellings) was read by Mary Cook:

**Sec. 16.3. - Nonconforming Structures and Dwellings.**

Lawful nonconforming structures and dwellings in existence on the effective date of this ordinance shall be allowed to continue provided the cost of repair or replacement of a nonconforming structure or dwelling, which has been destroyed by reason of windstorm, fire, explosion, an act of god or the public enemy, does not exceed fifty (50) percent of the total replacement cost of the building.

1. *Repairs to structures or dwellings:* Nothing in this ordinance shall prevent the repair or reinforcement of an existing nonconforming structure or dwelling that may be necessary to secure or ensure continued use of such structure or dwelling during its natural life.
2. *Additions to structures or dwellings:* Nonconforming structures or dwellings may be enlarged providing the addition is located in conformity with the requirements of the zoning ordinance.
3. *Replacement of existing nonconforming dwellings:* Existing nonconforming dwellings of less than twenty-four (24) feet in width, located in any zoning district other than the "manufactured housing community" zoning district shall not be replaced except by dwellings conforming to the requirements of this ordinance.
4. *Replacement of nonconforming structures, other than dwellings:* Existing nonconforming structures, other than dwellings, shall not be replaced except by structures that conform to the requirements of this ordinance.

**Kelly Kient**, commented that the footings that held up the entire deck were replaced. She commented that they were not screen windows, and it is not a screened in porch.

**Mark Cox**, commented that he heard that if you remove a property from a concrete base, then you cannot remove and then rebuild without some form of structure there. It is a completely different structure according to Cox.

**NEW BUSINESS: cont'd**

**OLD BUSINESS**

K. Kient left letters with L. Knowles, ZA. Copies were given to the ZBA members.  
Roger Rottschafer inquired and Kelly's ultimate goal is to have her view restored.

**Public Comment Closed at 7:24 p.m.**

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**The Standard (Test) of Practical Difficulty was read by Mary Cook.**

**Board Comments/Questions:**

R. Harvey commented on non-conformities and that zoning ordinances are not retro-active (which creates the existence of non-conformities- things that pre-date the ordinance). Harvey referred to Section 16.4 of the ordinance:

Sec. 16.4. - Variances.

The zoning board of appeals is hereby granted the authority to approve a variance from the requirements of this article providing the board of appeals has taken into consideration:

1. The condition of the existing structure or dwelling.
2. The expected lifetime of the structure or dwelling.
3. The proximity and character of nearby uses
4. The future development of the area.

Motion by Beukema with support from Rottschafer to grant variance of no more than 17' 9" to lakefront and no more than 4 ½' to side yard to permit deck to remain as previously existed, and require owner to remove bottom enclosure, with all of deck and stairs as existed in past based on findings of Section 16.4 and the discussion at the table. The board finds this to be a reasonable variance. ROLL CALL: Beukema: yes, Cook: yes, Rottschafer: yes, Schwennesen: yes. Yes: 4, No: 0. MOTION CARRIED.

**Motion to permit deck & stairs as previously existed and require owners to remove bottom enclosure. Motion Carried.**

Motion by Rottschafer with support from Beukema to require bottom enclosure to be removed within 60 days. All ayes. MOTION CARRIED.

**Motion to require bottom enclosure to be removed within 60 days. MOTION CARRIED.**

**OLD BUSINESS:**

**OLD BUSINESS**

**Terms Expiring:** Reappointments are to be made before the next meeting. R. Beukema and R. Rottschafer have one year terms. Mary Cook will be sworn in for a three year term at the next Joint meeting, and L. Knowles, ZA will have to be sworn in as well.

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Corrections or additions for the **Annual Report** (and Accomplishments for the year) need to be in to Sandy Marcukaitis. Also: Education Components and Goals for the next year need to be considered as well.

**ADJOURNMENT:** It was motioned by Beukema and seconded by Rottschafer to adjourn at 7:45 p.m. Approved by all.

Respectfully submitted:

Deb Mousseau

Approved jcl draft date distributed 12-16-14

Recording Secretary

Janice C. Lippert, Township Clerk  
Meeting approved date: Feb. 10, 2015

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*Clerk attachment ZBA Case No. 14-11-06 Findings*

**ADJOURNMENT**

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