

YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS

Tuesday, February 14, 2023

6:00 PM

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

DRAFT MINUTES

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ZBA Meeting
February 14, 2023

Routing 2/20/23

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Meeting called to order at 6:00 PM by Jake Welch.

Roll Call: Dave VanHouten, Ron Heilman, Jake Welch, Mike Boysen, John Frigmanski (All Present)

Staff Present: Frank Fiala, Joe Shea, Sandy Marcukaitis, Mike Cunningham, Rob Heethuis, Larry Knowles (attending as township residents)

PCI: Mark Thompson

Visitors: 3

PLEDGE OF ALLEGIANCE

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REPORTS FROM REPRESENTATIVES:

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Planning Commission: John Frigmanski: The PC reviewed their annual report and talked about education. Finished up the side setbacks and sent that on to planner, Rebecca Harvey. Discussed the joint meeting.

Board of Trustees: Dave VanHouten gave the following updates:

- Park Committee gave an update asking for grants and approval of a reservation form.
- Reports were made from Planning Commission, Fire Committee and Water Advisory Board.
- Updated some amounts for furniture for the new reception area. Blinds have been installed and a couple other change orders were approved, one for bringing the HVAC up to code.
- Appointed Ryan Craven to the Planning Commission and hired Joe Shea as Zoning Administrator.

INQUIRY ON CONFLICT OF INTEREST:

CONFLICT OF INTEREST

Mr. Welch inquired if there are any conflict of interest with the board regarding tonight's request. There are none.

APPROVAL OF MINUTES:

Motion by Heilman with support from VanHouten to approve the minutes from December 13, 2022 meeting. All ayes. MOTION CARRIED.

APPROVAL OF MINUTES

Mr. Heilman took a moment to welcome Mr. Joe Shea on behalf of the ZBA.

NEW BUSINESS:

ZBA 23-2-001 PARCEL ID #08-16-155-009-00 1944 Parker Dr., Wayland, MI 49348. A request by Jim TenHaaf Builder for property owner, Jim and Heather Heyboer, for relief from the setbacks established by section 12.4 "Required Setbacks".

The subject site is approximately .103 acres in size. The property is currently zoned Gun Lake Residential Lake Front (GRLF) and the applicant is requesting relief to allow for the construction of rebuilding a portion of the house that fails to meet the required setbacks.

Mr. Thomson stated that the applicant applied for a permit which proposed tearing down an addition that was on a slab and rebuild on a foundation, keeping the same footprint.

Motion by Boysen with support from Frigmanski to open the public hearing. All ayes.
MOTION CARRIED

The owner was originally going to just remodel the room but it was poured on a slab and was settling and making that impractical. This proposal is to replace the part of the home that is settling and pulling away from the existing home. The new construction will not change the existing footprint of the home.

The nearest neighbors measure 49.5' and 35.5' setback, measured to the seawall. The seawall makes an angle in the middle of the property. The proposed addition will be 38' from the closest part of the seawall.

Public Comment (limited to 3 minutes): None

A letter from Mr. David Smith (1932 Parker Drive) in support of allowing the variance was read into the record.

Motion by Heilman with support from Frigmanski to close the public hearing. All ayes.
MOTION CARRIED

Mr. Welch read the Practical Difficulty Standards and each standard was considered. The ZBA discussed the request as they went through each standard.

**PRACTICAL
DIFFICULTY
STANDARDS**

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

Board deliberations took place. Mr. Frigmanski brought up that when something needs to be rebuilt, that can be the best opportunity to bring a building into compliance; however, in this case that does not seem like a reasonable decision.

Motion by Heilman with support from Boysen to approve the reconstruction of the porch based on #1, that there is a practical difficulty with the angling of the seawall that sets off the neighbor to the north at 49.5 feet; and #4 that the variance is not significantly detrimental to the adjacent properties since the vision line shows that all three properties are in line with each other due to the lake curvature; and #5 in granting the variance we're ensuring that the spirit of the ordinance is observed and safety secured because the rebuild is in the same location and there's been no changes to anything else on the property.

**MOTION TO APPROVE
THE VARIANCE
REQUEST**

Heilman amended the motion with support from Boysen to add that we are approving a 4-and-a-half-foot variance to the property in order to meet the variance requirement. Roll Call Vote: Frigmanski: yes; Boysen: yes; Welch: yes; Van Houten: yes; Heilman: yes.

Yes: 5, No: 0. MOTION CARRIED

OLD BUSINESS:

OLD BUSINESS

None

PUBLIC COMMENT (limited to 3 minutes):

PUBLIC COMMENT

Sandy Marcukaitis: Welcomed Mr. Boysen as a board member rather than an alternate.

Mike Cunningham: Confirmed that next week's Joint meeting will be in the Loft rather than the current room to make more room for a larger attendance.

Jim TenHaaf: Asked Mr. Shea if he would give a short introduction of himself as this is the first time he had heard that someone has been hired for the position.

Joe Shea: He is a retired attorney with experience in zoning law and worked in Oakland County where they heard a lot of cases dealing with Zoning Board of Appeals cases. He has construction experience as well. He is looking forward to getting started.

ADJOURNMENT:

ADJOURNMENT

Motion by VanHouten with support from Frigmanski to adjourn meeting at 6.26 PM. All

ayes. MOTION CARRIED.

Approved by: _____ Date: _____
Ron Heilman, ZBA Secretary

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
February 17, 2023

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