

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

**Tuesday, February 13, 2018  
7:00 PM  
Yankee Springs Township Hall  
284 North Briggs Road, Middleville, Michigan 49333**

**MINUTES**

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**2.13.18**

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

**Roll Call:** Present: Cathy Strickland , Dave VanHouten (Vice Chair), Ron Heilman, Todd Delamar, John Frigmanski.

**PLEDGE OF ALLEGIANCE –**

**Absent with Notice:** Jake Welch, Chairman

**Also Present:** Rebecca Harvey, Professional Planner

**Staff Present:** Eric Thompson, PCI

**Visitors:** 3 - not including staff present.

**REPORTS FROM REPRESENTATIVES:**

**Planning Commission:** Cathy Strickland commented on the PC still working on the Master Plan. The Master Plan should be finished this spring or summer.

**Board of Trustees:** No report.

**APPROVAL OF MINUTES:**

Motion by Heilman with support from Frigmanski to approve ZBA meeting minutes of December 12, 2017 as presented. All ayes. MOTION CARRIED.

**PUBLIC COMMENT:**

**Public hearing opened at 7:03 p.m. by David VanHouten, Acting Chair:**

**NEW BUSINESS: ZBA 18-01-01 Parcel ID 08-16-050-004-00 - Mr. & Mrs. Bruce Helder-1563 Manitou Lane, Middleville, MI 49333.** Mr. & Mrs. Helder have been on Barlow Lake for 30 years. There was no foundation on their cottage, and they've had some fairly significant structural issues starting about 10 years ago. The Helder's had planned to build a new cottage, but was sidetracked because of the Great Recession (2008). The Helder's decided last year that they had to do something. It was not safe anymore-structurally. Their original plan was with a two stall garage, but they did not go with it because it wouldn't work with 30% coverage. They took off the garage and made smaller additions to their plan. When the garage was taken off, it made the back of the cottage looked like a "billboard with windows". So they put a porch on adding to coverage. Also the chimney sticks out, and an extended bay window in dining area, and the overhangs were not included in their original figures. B. Helder commented that they were not here (at the ZBA meeting) to ask to build a huge house on a small lot. "We're just trying to build a small house on a small lot," added B. Helder. Their request is to build the house as it is (on plans). They would like to build soon as to spend the summer on the lake.

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE**

**REPORTS FROM REPRESENTATIVES**

**APPROVAL OF MINUTES:**

**PUBLIC COMMENT**

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

It was noted the old cottage is now gone. Rich Shultz of Shultz Builders assisted in questions with the blue print/plans.

**CLOSE PUBLIC HEARING - at 7:24 P.M.**

Motion by Frigmanski with support from Heilman to close public hearing at 7:24 p.m. All ayes. MOTION CARRIED.

**Letters from neighbors of the B. Helder's were read by D. VanHouten:** All letters were in support of the Helder's project. Letters were from:

- |                                  |                                 |
|----------------------------------|---------------------------------|
| <b>John Sleeman</b>              | <b>Marvin Cooley</b>            |
| <b>Richard &amp; Cindy Glahn</b> | <b>Carl &amp; Marilyn Borst</b> |
| <b>Lot #6/Owner: J. Holcomb</b>  | <b>Richard &amp; Patty Boom</b> |

**Board Discussion/Deliberation:**

**R. Heilman** commented that from a practical difficulty test standpoint- there really wasn't a hardship. Heilman noted that the plan could be reduced. Heilman also commented on moving footprint closer to the road.

**C. Strickland-** wished they (Helder's) had a bigger lot. C. Strickland commented that to the best of her knowledge the ZBA had not been granting a variance on Manitou Lane for over 30% lot coverage.

**J. Frigmanski** commented "The ordinance is the ordinance today, whether it goes back to the Planning Commission for them to make some type of adjustments for small lakefront lots, that's beyond our duties..."

**T. Delamar** felt that things were pretty well covered with the 30% maximum lot coverage.

**D. VanHouten** commented on 12.5 of the Ordinance- before 1979. D. VanHouten gave his interpretation of it and commented that maybe the laws of coverage may not apply to the Helder's lot. D. VanHouten thought that maybe the ZBA could have discussion on it. And also noted that maybe the Planning Commission should revisit the verbiage of 12.6 to clarify as to "Do lots prior to 1979 have to abide by 12.6 or not?"

**R. Harvey** commented "A lot that was created or established prior to the standards are not subject to the standard in the sense that it does not meet the 12,000 and 15,000 sq. foot standard. And in that sense, it's saying it's too small, it doesn't meet that standard. But, it remains a buildable lot. So you (VanHouten) are absolutely correct. The owner of the lot has the right to come in and apply for a building permit to construct on this lot even though it doesn't meet that minimum size. In that sense, it's not subject to the lot size standard. If he could split it, he couldn't create a new lot because it's then subject to that standard. That doesn't mean that just because the size of the lot predates the size standard, it doesn't mean that there's no other zoning standard that applies. It's not subject to the frontage standard. It is not subject to any dimensional standard that applies to the establishment of the lot. It is still subject to the building standards. So it's subject to the setback requirements. It's subject to the lot coverage requirements. It's subject to the building height standards. Those are all still applicable. But the lot itself remains buildable in that it's not subject to the lot size standards because it predates those. R. Harvey commented that the three things she mentioned were zoning

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**CLOSE PUBLIC HEARING - at 7:24 P.M.**

**Board Discussion (Deliberation)**

standards. In response to D. VanHouten, Harvey commented "You are absolutely right. There isn't a thing you're talking about tonight that is building code related. You're right." After a brief discussion, R. Harvey commented that the thought process D. VanHouten was going through is "... On point as it relates to the question "Is this standard reasonable given the fact that the lot is so small?" Which goes to the Planning Commission, right? Because what you're suggesting is, the ordinance should be constructed or framed in such a way that it takes into consideration the lot size. And some ordinances do, they create... sliding scale approaches where it says the percentage of the lot coverage required is going to be dependent on how much a lot doesn't comply with the ordinance. .... Yankee Springs doesn't do that right now... What you're saying is that, 'I think that would be a better way of constructing the standards. ... That is the question that should be posed to the Planning Commission on the reasonableness of the standard."

**D. VanHouten** commented on feeling that it wouldn't be appropriate to comment on driving down the street (Manitou Lane) and looking at all the "monster" houses on the small lots. He didn't want to get into "just because they (large houses) were approved, they (Helder's) should be approved. Even though fairness has to say they should be able to do it." VanHouten commented that he was looking for a way to stick to the letter of the law. He gave the ordinance to three different people and asked them to read the paragraphs and interpret them for VanHouten. All three (3), with no guidance from VanHouten, felt they (Helder's) should be able to build the house.

**Further discussion occurred.** **R. Harvey** commented that the paragraphs (read by the three individuals) were limited to **12.5** of the ordinance. Harvey added, "Even if it didn't say #1, it is still true under zoning law that a lot that predates the existence of the standard, is not subject to the standard." Harvey pointed out that there is no longer a house on the lot. "So when you put a house on it, that didn't predate any of these standards, right? It's subject to the current standards. It's subject to the setbacks; anything that applies to construction. To the placement, I should say, to the placement of that building on the lot that's subject to those standards because it doesn't predate them."

**D. VanHouten** commented asking if it was reasonable to think the standards should be written so that the average person should understand them.

**Eric Thompson** commented, after being asked, that around the lakes there are homes that exceed the lot coverage. Thompson noted that PCI deals primarily with building codes not dealing with so much with lot coverage. E. Thompson noted that PCI just started zoning administration for the township in December 2017.

**Ron Heilman** commented that if everybody had to pay attention to the ordinances and there was no give or take on ordinances, you wouldn't need a ZBA. "So, what we have to do is make a decision on each and every case and each and every situation and see how it fits or how it plays into the big picture. And then we have to make a decision based on that. And that's what our job is. And there's people that are going to like it and there's people that are not going to like it, but it doesn't necessarily mean that the letter of the law is how we are going to look at things in the end, in the big scheme," added Heilman.

**Todd Delamar** commented on going through the square footage again. Delamar asked questions regarding the porch, (being covered), and the bay window overhang which added to the footprint or coverage as well.

**D. VanHouten** clarified that the lot coverage the ZBA was looking at was 36%. Because of the neighborhood, VanHouten felt it was reasonable to him (the variance request).

(MOTION FOLLOWS on NEXT PAGE)

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Motion by Strickland with support from Frigmanski to deny ZBA #18-01-01 Parcel # 08-16-050-004-00, for property located at 1563 Manitou Lane, Middleville, MI 49333 request for variance to construct a single family dwelling that exceeds the maximum lot coverage standard per Article 12.6. **ROLL CALL VOTE: Frigmanski: Yes (to deny), Delamar: Yes, Strickland: Yes, VanHouten: No, Heilman: No. Yes: 3, No: 2, MOTION CARRIED.**

**Builder, Rich Shultz** commented "Based on the non-conforming lot 1978/79. I agree with you Mr. VanHouten. Whoever came up with this- it almost creates a hardship on itself... The dotted line that Mr. Heilman had mentioned, that is the building envelope....When you have a non-conforming lot that is so small, and then you count overhangs, decks, and covered roofs and porches, even with someone who doesn't want to build a garage, you look at that blueprint there. There's a 1200 sq. ft home... There's not too many 1,200 square foot homes. I've been in real estate for 25 years and when I go to look at that lot, and as a builder for 23 years, ... I think it's something that has to be addressed, down the road there could be an open can of worms here. The overhangs, the decks, the pervious cement, the garages, ..... most realtors don't look at that.... You got to dig into the zoning. You look to those guys (PCI) a little bit for advice in what can be done. But I know a law is a law and obviously we have to abide by that. I respect that. In the same token, I almost think we create a hardship for lots like this and I have a feeling that as you get into realtors selling these lots and having a buyer thinking they can build a house next door that's 3,000 or 4,000 sq. foot, the red house, if you've been down there (Manitou Lane), the log house. So I appreciate your honesty in this whole thing, but I feel we've created a hardship based on- and that's what zoning boards do, is they either grant variances or deny variances. I wish I could have said some of this prior to you guys taking a vote, because I really feel the house that they're looking- that if you really page through the blueprint and you look at this, I think that somehow there's been a hardship there- just the fact that they can't have a garage. Who in their right mind, builds a house, on a lake and doesn't have a deck? What one of you people up there would want to build a house and not have a deck or something like that?"

**OTHER SUCH BUSINESS:**

**For the record:** Frigmanski commented that sub-standard size lots should be reviewed for lot coverage by the PC (Planning Commission).

Discussion occurred regarding information provided for the ZBA members. Further discussion took place regarding possible recommendations to the Planning Commission.

**ADJOURNMENT:** It was motioned by Heilman and supported by Delamar to adjourn at 8:20 p.m. Approved by all.

Approved by :  Date: 4/10/18  
Ron Heilman, ZBA Secretary

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Janice C. Lippert, Township Clerk

Respectfully submitted by:  
Deb Mousseau  
Recording Secretary, 2.13.18

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**MOTION TO DENY REQUEST of B. Helder, 1563 Manitou Lane, Middleville, (Barlow Lake)**

**Builder, Rich Shultz**

**OTHER SUCH BUSINESS**

**ADJOURNMENT**