

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

**Tuesday, July 26, 2016
7:00 PM
Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333**

MINUTES

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ZBA
7-26-16**

Meeting called to order at 7:03 PM by Jake Welch, Meeting Chairman

Roll Call: Present: Mary Cook, Al Schwennesen, Richard Beukema, Chuck Biggs (Alternate), Jake Welch, Roger Rottschafer, Ron Heilman (Alternate).

PLEDGE OF ALLEGIANCE –

Staff Present: Larry Knowles- Zoning Administrator, Sandy Marcukaitis, Frank Fiala, Michael Maring

Visitors: 6 - not including staff present.

ADDITIONS OR CORRECTIONS TO AGENDA: None.

APPROVAL OF MINUTES:

Motion by Cook with support from Beukema to approve minutes of May 10, 2016 as presented. All ayes. MOTION CARRIED.

PUBLIC COMMENT: None at this time

NEW BUSINESS:

Welcome New Commission Member – *Ron Heilman*

Open Public Hearing at 7:08 p.m. - Motion by M. Cook with support by Beukema to open public hearing at 7:08 p.m. All ayes. MOTION CARRIED.

ZBA 16-07-05:

- a. Appeal of the Zoning Administrator’s Interpretation of Ordinances by David H. Tripp.
- b. A request for Zoning Ordinance Interpretation by David H. Tripp.
 - Appealing a decision made by the Zoning Administrator allowing a structure with no setback.
 - Interpretation of Article II – Definitions, 71. Road or street and other Ordinances.

Mr. David H. Tripp presented his appeal. Every ZBA member was presented with: Addendum to Appeal of Zoning Administrator and/or Zoning Ordinance Interpretation Filed on June 30, 2016, Regarding Parcel No. 08-16-085-049-00 with Exhibits A,B,C, and D included.

CALL TO ORDER

ROLL CALL

PLEDGE

ADDITIONS TO AGENDA

APPROVAL OF MINUTES:

Minutes of ZBA May 10, 2016 Meeting approved as presented.

NEW BUSINESS:

Motion to open public hearing.
(7:05 p.m.)

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PUBLIC COMMENT

Maxine Beukema, YS Resident: inquired as to what the reason would be for moving it (pole barn), if it is not causing a problem.

Rich Beukema: commented that he drove down there (Lakeridge property) and did not have visual problems.

Rich Beukema: referred to Sect. 13.2 – Required Approval (to private road). R. Beukema read through section to those in attendance. Sec. 13.3 Standards for Construction was noted as well. **Beukema** commented “I see no way that this could be called a private road. It’s a shared driveway in my opinion.”

Mr. David Tripp- commented on not being sure where in the ordinance there was a definition for a private driveway. “The only definition you have are roads and streets. And roads and streets include where there is use by owners, occupants, and friends of abutting properties and structures. So, I don’t see that you can go outside the ordinance and call it a driveway when you have no definition for that or no statement in here that, except for driveways, driveways there are no setbacks.”

Close of Public Hearing at 7:26 p.m. Motion by Cook with support from Beukema to close public hearing at 7:26 p.m. All ayes. MOTION CARRIED.

Prior to Board deliberation, Rottschafer requested to abstain from voting due to having relatives/neighbors involved. R. Heilman will take Rottschafer’s place in the vote.

Board Deliberation took place.

Motion by Cook with support by Beukema that the findings of the board indicate that neither the 16 feet running along Lot #49 - nor the ingress/egress from Payne Lake Road would meet the definition, by ordinance, of a public or private road. Therefore we do not find that the side yard would be considered road frontage. They are only ingresses and egresses- right-of-ways. ROLL CALL VOTE: Heilman: yes, Schwennesen: yes, Welch: yes, Cook: yes, Beukema: yes. Yes: 5, No: 0. MOTION CARRIED.

Larry Knowles, ZA: commented regarding setback from road right-of-way. L. Knowles noted the ordinance says 25 feet from the public or private road right-of-way OR easement - not AND easement. Knowles requested direction on this. Discussion took place. It was recommended that this be directed to the Planning Commission to work on to possibly clean up the language and clarify points.

Motion by Welch with support by Heilman due to the fact that the board has determined this location is not a road the ZBA interpretation is that the ordinance regarding roadside setbacks or roadside easement setbacks do not apply (referring to Lot #49). Contained in the ordinance there is no required setbacks for non-road easements; therefore, there would be no infringement upon a setback requirement -meaning it is a lawful building. ROLL CALL VOTE: Cook: yes, Schwennesen: yes, Heilman: yes, Welch: yes, Beukema: yes. Yes: 5, No: 0. MOTION CARRIED.

PUBLIC COMMENT

Close of Public Hearing at 7:26 p.m.

MOTION in regards to ZA’s decision on LOT #49, Lakeridge Drive.

MOTION regarding ZBA Interpretation.

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REPORTS FROM REPRESENTATIVES:

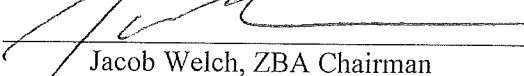
Planning Commission: R. Beukema commented regarding working on a phone system since a couple PC members are gone in winter. System to be installed that will allow conference calls with audio clarity for all involved. Also, a survey is being drawn up for township residents. Recently a home occupation permit was approved on N. Payne Lake Rd. Also, a request on Johnson Rd was addressed. This regards a single lot with two zoning classifications. The owner wants to put an accessory building on the north side of the road, where it is zoned Resort/Residential that doesn't allow accessory buildings. Work will continue on this. The Planning Commission is also updating the Master Plan.

Board of Trustees: R. Rottschafer noted the 2016-17 Township Budget was passed by Township Board. Special Assessment for Island Drive meeting tomorrow night. England Point is also coming to the Board regarding a request for a special assessment to re-do their road. The Fire Station had 21 MFR calls last month with the same for ambulance calls. Also, last month there were two grass, one smoke alarm and two electric line fires. Aug 4th will be a meeting regarding Cost Recovery programs for emergency services.

Discussion also took place with Mr. Vandenberg (Lot #49, Lakeridge Drive) regarding his fence to increase visibility. Also a mirror will be mounted for safety reasons.

NO OTHER OLD BUSINESS -

ADJOURNMENT: It was motioned by Rottschafer and seconded by Cook to adjourn at 8:04 p.m. Approved by all.

Approved by:  Date: 8/9/16
Jacob Welch, ZBA Chairman

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

Respectfully submitted by:

Deb Mousseau
Recording Secretary
July 27, 2016

REPORTS FROM REPRESENTATIVES

OLD BUSINESS

ADJOURNMENT

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