

<p style="text-align: center;"><b>YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS MEETING</b></p> <p style="text-align: center;"><b>Tuesday, June 13, 2017 7:00 PM</b></p> <p style="text-align: center;"><b>Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</b></p> <p style="text-align: center;"><b>MINUTES</b></p>	<p><u>MINUTES</u> Page 1 of 4 ZBA 6-13-17</p>
<p>Meeting called to order at 7:00 PM by Jake Welch, Meeting Chairman</p> <p><b>Roll Call:</b> Present: Cathy Strickland (PC Rep.), Dave VanHouten, Jake Welch, Roger Rottschafer, Ron Heilman.</p> <p><b>PLEDGE OF ALLEGIANCE –</b></p> <p><b>Staff Present:</b> Larry Knowles- Zoning Administrator, Sandy Marcukaitis, John Frigmanski, Chuck Biggs - Constable, Todd Delamar, Michael Maring.</p> <p><b>Professional Planner:</b> Rebecca Harvey</p> <p><b>Visitors:</b> 1 - not including staff present.</p>	<p><b>CALL TO ORDER</b></p> <p><b>ROLL CALL</b></p> <p><b>PLEDGE</b></p>
<p><b>REPORTS FROM REPRESENTATIVES:</b></p> <p><b>Planning Commission:</b> Cathy Strickland noted there hasn't been a ZBA meeting since May 23. C. Strickland noted a meeting was held Saturday, June 10<sup>th</sup> regarding the location of the Veterans Memorial.</p> <p><b>Board of Trustees:</b> per Roger Rottschafer, Trustee, the Board has a meeting Monday (6/19) and Wednesday (6/21) to amend and adopt the Budget for the upcoming fiscal year.</p>	<p><b>REPORTS FROM REPRESENTATIVES</b></p>
<p><b>APPROVAL OF MINUTES:</b></p> <p>Motion by Rottschafer with support from Heilman to approve ZBA meeting minutes of <u>May 23, 2017</u>. All ayes. MOTION CARRIED. D. VanHouten abstained from approval as he was not a member of the ZBA last month.</p>	<p><b>APPROVAL OF MINUTES:</b></p> <p><b>PUBLIC COMMENT</b></p>
<p><b>PUBLIC COMMENT: <u>None at this time</u></b></p>	
<p><b>NEW BUSINESS:</b></p> <p><b>Election of Officers:</b></p> <p><i>Motion by Welch with support from Rottschafer to appoint <b>Ron Heilman</b> as <u>Secretary</u>. All ayes. MOTION CARRIED.</i></p> <p><i>Motion by Heilman with support from Rottschafer to appoint <b>Jake Welch</b> as <u>Chairman</u>. All ayes. MOTION CARRIED.</i></p> <p><i>Motion by Welch with support from Rottschafer to appoint <b>Dave VanHouten</b> to be <u>Vice-Chairman</u>. All ayes. MOTION CARRIED.</i></p>	<p><b>NEW BUSINESS:</b></p> <p><b>Election of Officers</b></p>

ZBA – 17-06-03 PARCEL ID# 08-16-100-007-00 Property address: 777 Briggs Rd. A request by Kyle Bird for a variance to the minimum front yard setback allowable. The variance request is to build a structure that would be 15 feet from the front property line. The minimum front yard setback allowed is 25 ft. Article XII Sec. 12.4.3a

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**Public hearing opened at 7:05 p.m.**

Motion by Heilman with support from Strickland to open public hearing at 7:05 p.m. All ayes. MOTION CARRIED.

**Public hearing opened at 7:05 p.m**

**Kyle Bird of 777 Briggs Rd.** presented his request. Soft ground/yard drainage is an issue. It will be a single stall garage.

Discussion took place regarding drainage replacement or re-routing of drainage as a possibility.

K. Bird hoped to build the garage/shed on a concrete slab.

VanHouten referred to 12.15 regarding surface drainage. Surface water is to be drained off the front or stay within lot lines. *Sec. 12.15. - Drainage. A. No property shall be filled or graded so as to cause a discharge of surface water run-off onto abutting premises.*

C. Strickland commented on the project sketch regarding the angle of the building to the road.

R. Harvey pointed out the “creek” which appears to be a side yard is usually considered water frontage.

Rottschafer pointed out the issues that could occur with drainage “creeks” throughout the township if they are not considered water frontage.

K. Bird commented on the road setback request being his request not water setback.

R. Harvey commented that the ZBA will act on the specific request of K. Bird.

**Motion to Close Public Hearing at 7:22 p.m.**

**CLOSE of PUBLIC HEARING:**

Motion by Rottschafer with support from Heilman to close the public hearing at 7:22 p.m. All ayes. MOTION CARRIED.

**BOARD DELIBERATION**

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**Practical Test of Difficulty read by Jake Welch**

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Dave VanHouten did research regarding finding of facts for #17-06-03 Parcel ID 100-007-00.

D. VanHouten read his **Finding of Facts** sheet: (as follows on next page)

Finding of Facts Sheet

Date: 6/13/17

App #: 17-06-03

Name: Kyle Bird

Property Address: 777 Briggs Rd

1. That there are exceptional or extraordinary circumstances applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because:

*Discharge of surface water or from a sump pump are not exceptional to this type of property. A shed can be built with proper setbacks.*

2. That such variance is necessary for the preservation and enjoyment of substantial property rights because:

*The rights to have a shed are not being denied. The size of the shed may not be what you had hoped for.*

3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because:

*Granting such a variance would set precedence and may encourage others to locate sheds too close to the road. Also storage buildings that set too close to the road generally are not conducive to maintaining the aesthetics of the house and front yard.*

4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because:

*Precedence is a valid concern. Section 12.4.3.a are clear on a 25' setback.*

5. The circumstances used to justify the variance must pertain to the property at issue and not personal circumstances of the applicant.

*This alleged hardship is caused by the applicant's desire to modify setback regulations to enable them to build a larger shed. Lot drainage is a common landscaping challenge. 12.15 makes it clear that surface water drainage shall not be discharged onto abutting premises so perhaps the drainage flow could be modified to better accommodate the shed or perhaps the shed could be raised.*

**D. VanHouten** based upon his above finding of facts, VanHouten recommended the variance be denied.

**R. Heilman** referred to 12.4.3 (2) of the Zoning Ordinance:

*Waterfront (front yard): Every dwelling or structure shall be set back at least twenty-five (25) feet from the high water shore line of the lake, pond, stream, or river, but not less than the average setback of the dwellings one hundred fifty (150) feet on each side of the subject property.*

**Heilman** recommended adjusting the size of the structure and possibly moving it.

**R. Rottschaefer** had no further comment.

**C. Strickland** had no further comment.

Welch commented that if K. Bird could move the structure back some, Welch would be more willing to consider it or if the size could be adjusted. Welch commented that the ZBA was not here tonight regarding the setback distance from the channel. Welch felt that it was just too big of a shed for this spot.

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*Motion by Rottschafer with support from Welch to deny the variance request. (No roll call was yet taken). Discussion continued.*

Rottschafer commented about the water (creek) setback being important.

K. Bird asked if there might be some compromise if he made adjustments with his structure.

R. Harvey commented that the ZBA can have a conversation with new dimensions to consider.

Other options were discussed to try to meet criteria.

It was noted that Bird owned the lot next to the lot involved in the variance request. K. Bird did not want to combine the lots as he at one point was considering building a home on the additional lot.

Rottschafer withdrew his previous motion.

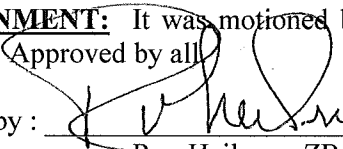
*Motion by Welch with support from Rottschafer to deny variance request based on the ability to do other options that are not a hindrance on the ordinance. ROLL CALL VOTE: Strickland: yes, Rottschafer: yes, VanHouten: yes, Welch: yes, Heilman: yes. Yes: 5, No: 0. MOTION CARRIED.*

OLD BUSINESS – None at this time.

OLD BUSINESS

ADJOURNMENT: It was motioned by Rottschafer and supported by Heilman to adjourn at 7:39 p.m. Approved by all

ADJOURNMENT

Approved by:  Date: 9/12/17  
Ron Heilman, ZBA Secretary

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

Respectfully submitted by:  
Deb Mousseau  
Recording Secretary  
6-13-17