

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS VIRTUAL Zoom MEETING in compliance with COVID-19 state requirements <u>Tuesday, March 9, 2021</u> 6:00 PM Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES </p>	<p style="text-align: center;"> <u>MINUTES</u> Page 1 of 3 ZBA 3/9/2021 Virtual ZBA Meeting </p>
<p>Meeting called to order at 6:00 PM by Jake Welch, Meeting Chairman.</p> <p>Roll Call: Present: Bill Stoub (Alternate) (at England Dr.), John Frigmanski (at Pine Meadows Dr.), Dave VanHouten (at Rock Dr.), John Jerkatis (at Raven’s Way), Jake Welch (at N. Payne Lake Rd.)</p> <p>PLEDGE OF ALLEGIANCE</p> <p>Absent with notice: Ron Heilman</p> <p>Present: Eric Thompson – PCI, YS Zoning Administrator</p> <p>Staff Present: Sandra Marcukaitis, Mike Cunningham</p> <p>Visitors: 2 (not including staff present).</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p>REPORTS FROM REPRESENTATIVES:</p> <p>Planning Commission: John Frigmanski, New PC rep to the ZBA: The Planning Commission met and developed a short-term rental proposal which will be presented to the Board of Trustees at the meeting on Thursday, March 11.</p> <p>Board of Trustees: Dave VanHouten, Board Trustee: The main focus at this time is the noise ordinance and the proposed ordinance for the short-term</p>	<p>REPORTS FROM REPRESENTATIVES</p>
<p>APPROVAL OF MINUTES: <u>Motion by VanHouten with support from Frigmanski to approve ZBA meeting minutes of January 12, 2021, as presented.</u> Roll Call Vote: Stoub: yes; VanHouten: yes; Jerkatis: abstained; Frigmanski: yes; Welch: yes. Yes: 4, No: 0. MOTION CARRIED.</p> <p>APPROVAL OF MINUTES: <u>Motion by Frigmanski with support from VanHouten to approve the minutes of the January 27, 2021, Joint Meeting as presented.</u> Roll Call Vote: Stoub: yes; VanHouten: yes; Frigmanski: yes; Jerkatis: abstained; Welch: yes. Yes: 4, No: 0. MOTION CARRIED.</p>	<p>APPROVAL OF MINUTES</p>

NEW BUSINESS:

ZBA 21-01-001 Parcel ID 16-350-003-00 A request by Timothy Flynn of 1321 Crystal Way Ct to allow a 10' side yard setback for outbuildings.

Motion to OPEN Public Hearing by VanHouten with support from Frigmanski at 6:06 PM.

Roll Call Vote: Stoub: yes; Frigmanski: yes; VanHouten: yes; Jerkatis: yes; Welch: yes. Yes: 5, No: 0. MOTION CARRIED.

Applicant presented request to the board. A letter of support from neighbor Craig Tukkola was read stating he had no issues with the variance request being approved. At this time, the board conferred with the applicant.

Motion to CLOSE Public Hearing by Frigmanski with support from Welch at 6:17 PM.

Roll Call Vote: Stoub: yes; VanHouten: yes; Frigmanski: yes; Jerkatis: yes; Welch: yes. Yes: 5, No: 0. MOTION CARRIED.

At this time, Jake Welch read the Practical Difficulty Standards and each standard was considered along with the review of the request presented by R. Harvey, Professional Planner. The ZBA discussed the request as they went through each standard.

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

Motion by VanHouten with support from Frigmanski to approve the petition based on it is reasonable to grant relief through the variance process because he has 175' on the south between his border and the neighbor's house, there is never going to be another house there, so the points Rebecca brought up, #4 and #5, would support approval.

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ZBA

3/9/2021

VIRTUAL ZBA Mtg.

ZBA 21-01-001
Parcel

ID 16-350-003-00

**Request by Timothy
Flynn of 1321 Crystal
Way Ct.**

PRACTICAL
DIFFICULTY
STANDARDS

MOTION to
Approve

Further discussion: Mr. Jerkatis expressed issue with the concrete retaining wall being an obstruction to emergency vehicle traffic. Allowing this could set a precedent that would be a problem if the neighbor chose to build something similar and encroach upon the sideline setback. Welch commented that the scope of this specific variance does not approve or disapprove the retaining wall.

Roll Call Vote: Stoub: no; Frigmanski: yes; Jerkatis: no; VanHouten: yes; Welch: yes. Yes: 3, No: 2. MOTION CARRIED.

OLD BUSINESS:

None

OTHER SUCH BUSINESS/OLD BUSINESS:

None

PUBLIC COMMENT:


None

ADJOURNMENT:

Motion by Welch with support from VanHouten to adjourn meeting at 6:41 PM.

Roll Call Vote: Stoub: yes; VanHouten: yes; Frigmanski: yes; Jerkatis: yes; Welch: yes. Yes: 5, No: 0. MOTION CARRIED.


Approved by:


Jake Welch, ZBA Chairperson

Date:

7/13/21

Approved by:


Michael S. Cunningham, Township Clerk

Date:

7/14/21

Respectfully submitted by:

Betsy Frigmanski, Recording Secretary

March 11, 2021

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Virtual ZBA Meeting

ADJOURNMENT