

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS MEETING</p> <p style="text-align: center;">Tuesday, May 10, 2016</p> <p style="text-align: center;">Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>MINUTES</p>
<p>Meeting called to order at 7:00 PM by Jake Welch, Meeting Chairman</p> <p>Roll Call: Present: Mary Cook, Al Schwennesen, Richard Beukema, Chuck Biggs (Alternate), Jake Welch</p> <p>Absent with notice: Roger Rottschafer</p> <p>Also Present: Rebecca Harvey, Professional Planner</p> <p>PLEDGE OF ALLEGIANCE –</p> <p>Staff Present: Larry Knowles- Zoning Administrator, Sandy Marcukaitis</p> <p>Visitors: 6 - not including staff present.</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p>ADDITIONS OR CORRECTIONS TO AGENDA: None.</p>	<p>ADDITIONS TO AGENDA</p>
<p>REPORTS FROM REPRESENTATIVES:</p> <p>Planning Commission: At the last regular April PC meeting, Rich Beukema commented Brian Pennings requested a 50% increase for the maximum lot coverage. B. Pennings didn't have hard data for the proof of impermeableness of his materials for the covered surface. Meeting was tabled until May 19th at the next regular Planning Commission meeting. Also, possible administrative error may have occurred regarding the Zoning Map. Correction will be made to switch the zoning pointed out by Todd Delamar on Cobb Lake Rd. Clerk Lippert administered Oath of Office to: Bruce Campbell (1 yr. term), Tressa Knowles (3 yr. term) and Paul Heystek (3 yr. term).</p> <p>Board of Trustees: Rottschafer absent with notice – No Board Report</p> <p>Jake Welch commented that a recent ZBA Instructional course/seminar (attended by: J. Welch, L. Knowles, P. Heystek, F. Fiala, R. Rottschafer) was worthwhile. The meeting was held in Salem Township on April 20th.</p>	<p>REPORTS FROM REPRESENTATIVES</p>
<p>APPROVAL OF MINUTES:</p> <p>Motion by M. Cook with support from Beukema to approve minutes of March 22, 2016 as presented. All ayes. MOTION CARRIED.</p>	<p>APPROVAL OF MINUTES</p>
<p>PUBLIC COMMENT: None at this time.</p>	<p>Page 1 of 3 ZBA 5-10-16</p>

NEW BUSINESS:

ZBA 16-04-03 PARCEL Parcel ID #08-16-008-047-00. Property address: 991 N. Briggs Rd. A request by Robert & Wanda Hunt for a variance to the minimum Parcel Size Requirement. Applicant would like to split the current 1.52 acre property zoned Rural Residential. The Rural Residential zoning district requires a minimum parcel size of one (1) acre. If this property is split, one of the created parcels would be one half (1/2) acre. Applicant is requesting a variance which would result in a parcel being one half (1/2) acre rather than the required one (1) acre minimum. Article XII – Sect. 12.5

Open Public Hearing at 7:05 p.m.: - Motion by M. Cook with support by Beukema to open public hearing at 7:05 p.m. All ayes. MOTION CARRIED

Mr. Robert Hunt presented their request (above) for a variance. Discussion took place regarding available options for compliance.

According to Mrs. Wanda Hunt: Mr. and Mrs. Adgate, (neighbors of the Hunt’s), were unable to attend tonight’s meeting due to serious illness. The Adgate’s had no problem with the variance request (*per Wanda Hunt*).

Close of Public Hearing at 7:25 p.m. Motion by M. Cook with support from Beukema to close public hearing at 7:25 p.m. All ayes. MOTION CARRIED.

Board Deliberation took place.

Rebecca Harvey commented on clarification of issues and advised the ZBA with their decision process. At this time, R. Hunt requested his request be tabled with the ZBA and presented to the Planning Commission for re-zoning. Discussion occurred regarding options. J. Welch suggested that deliberations continue and then Mr. Hunt make a decision. Deliberations continued with ZBA members.

Test of Practical Difficulty was read by Jake Welch, Chairperson

After final deliberation, R. Hunt asked for a vote on his variance request from the ZBA.

Motion by J. Welch with support from M. Cook to allow variance with the condition that the lot with the house shall be at least one acre in size due to the fact that the physical situation on the land, building or structure deemed by the Board of Appeals is extraordinary, due to the fact that the driveway is not on that lot and splitting will allow Mr. Hunt to own his own driveway. The condition is of not such a general or recurrent nature as to make it unpractical. The variance is necessary to preserve the enjoyment of property rights similar to that possessed by other properties in the same zoning district. The variance is not going to be detrimental to adjacent property or surrounding neighborhood. The variance will not impair the intent or purpose of this ordinance. The immediate practical difficulty caused by the need for the variance request was not created by the affirmative action due to the fact that they did not build the road in the wrong location. Welch also noted that by not allowing the split then they (Mr. & Mrs. Hunt) will not own their driveway and Welch finds that any other physical situation on the land, building, or structure deemed by the Board of Appeals to be extraordinary - is extraordinary in that they are being forced to sell their driveway by not allowing them to split this property. **Roll Call:** Cook: No, Welch: Yes, Beukema: No, Biggs: Yes, Schwennesen: No. Yes: 2, No: 3. MOTION FAILED.

NEW BUSINESS:

Parcel ID #08-16-008-047-00. Property address: 991 N. Briggs Rd. A request by Robert & Wanda Hunt

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

Close of Public Hearing at 7:25 p.m.

Motion for Variance request. MOTION FAILED.

<p>NEW BUSINESS: continued</p> <p>From Tabled ZBA request: 16-01-01 Whispering Pines</p> <p><i>Opening of hearing was noted as not necessary.</i></p> <p>Attorney Robert Byington presented request regarding pavement of roads. Request is for relief from paving (to maintain existing gravel road access from Patterson Rd.) and (to maintain existing gravel Road along Sandum Circle).</p> <p>Board comments/deliberation took place. Water run-off was noted and storm sewer system mentioned.</p> <p>Motion by Cook with support from Beukema that there has been no new information brought forward as far as hardships created that would allow the ZBA to add a variance to the variance or to eliminate the requirement that leads to anything of practical difficulty or hardship and as a result would deny request for variance. Roll Call: Cook: Yes, Welch: Yes, Beukema: Yes, Biggs: Yes, Schwennesen: Yes. Yes: 5, No: 0. MOTION CARRIED.</p> <p>OLD BUSINESS:</p> <p>ZBA vacancy: two individuals have applied. The vacancy should be filled soon per M. Englerth.</p> <p>Kelly Washburn (ZBA #16-02-02 on March 22, 2016) – Bowens Mill Rd., has withdrawn his request. Item was previously tabled and is therefore no longer on the table.</p> <p>OTHER BUSINESS:</p> <p>Discussion occurred regarding <u>Section 16.3 Nonconforming Structures and Dwellings</u>. L. Knowles requested direction for clarity for future use as to what is considered “repair” vs. “alteration”. R. Harvey referred to previous minutes of a recent non-conformity related request.</p> <p>ADJOURNMENT: It was motioned by Biggs and seconded by Schwennesen to adjourn at 9:28 p.m. Approved by all.</p> <p>Approved by: _____ Date: _____ Janice C. Lippert, Township Clerk</p> <p>Respectfully submitted by:</p> <p>Deb Mousseau Recording Secretary May 14, 2016</p>	<p>NEW BUSINESS: continued</p> <p>Motion to deny request for variance. MOTION CARRIED.</p> <p>OLD BUSINESS</p> <p>OTHER BUSINESS</p> <p>ADJOURNMENT</p> <p>Page 3 of 3 ZBA 5-10-16</p>
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