

YANKEE SPRINGS TOWNSHIP  
 ZONING BOARD OF APPEALS  
 VIRTUAL Zoom MEETING  
 in compliance with COVID-19 state requirements

Tuesday, May 11, 2021  
 6:00 PM  
 Yankee Springs Township Hall  
 284 North Briggs Road, Middleville, Michigan 49333

MINUTES

MINUTES  
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 Virtual ZBA Meeting  
 5/112021

Meeting called to order at 6:09 PM by John Frigmanski, Vice-Chair.

**Roll Call:** Present: Dave VanHouten (at Rock Dr.), Ron Heilman (at Pine Meadows Dr.), John Jerkatis (at Raven’s Way), Mike Boysen (Alternate) (in Holland, Michigan), and John Frigmanski (at Pine Meadows Dr.).

**PLEDGE OF ALLEGIANCE**

**Absent with notice:** Jake Welch  
**Present:** Jacob Eccleston (ZOOM host)  
**Staff Present:** Sandra Marcukaitis, Bill Stoub  
**Visitors:** 5 (not including staff present).

**REPORTS FROM REPRESENTATIVES:**

**Board of Trustees: Dave VanHouten, Board Trustee:** The blood drive, the newsletter went out, the spring clean up went well, the hall renovation committee is working hard, the veteran’s memorial is close to final proposals, the parks committee is working hard, and we’re reviewing the insurance policy this week for the township.

**Planning Commission: John Frigmanski, PC rep to the ZBA:** Working on redoing the private roads ordinance. It’s been proposed to the board to make a change to the setback requirements on lakefront property to only use the two adjoining lots to the house in question, not the 150 foot.

**APPROVAL OF MINUTES:**

Motion by VanHouten with support from Frigmanski to approve ZBA meeting minutes of March 9, 2021. Roll Call Vote: Frigmanski: yes; Boysen: yes; Jerkatis: yes; Heilman: yes; VanHouten: yes.

Yes: 5, No: 0. MOTION CARRIED.

**NEW BUSINESS:**

**ZBA 21-04-03 Parcel ID 08-16-017-002-30** A request by Amber Valley Construction (Robert and Barbara Kozminski – 900 Rock Dr.) for a variance relief from setbacks to allow for re-construction/expansion of a deck on an existing dwelling that fails to meet the required setbacks.

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE**

**REPORTS FROM REPRESENTATIVES**

**APPROVAL OF MINUTES**

**NEW BUSINESS**

**ZBA 21-04-03 Parcel ID 08-16-017-002-30**  
Request by Kozminiskis of 900 Rock Dr.

VanHouten made the Board aware that he is a neighbor of the applicant. Derek Anderson presented request to the board on behalf of the applicant.

John Frigmanski 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 ensuring 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).

Discussion: Heilman mentioned that they had requested PCI stake out the site and this did not happen. He also questioned a discrepancy on the plans that were presented. Questions were answered by Derek Anderson on behalf of the applicants. Heilman expressed concerns about the railing on the north side obstructing the view of the neighbors to the north. A sample of the railing to be used was shown to alleviate that point. Seven letters were sent to the neighbors and no responses or concerns were received by the ZBA or Township.

Motion by VanHouten with support from Jerkatis to approve the request based on Items #3, 4 and 5; and also based on the fact that granting the request will not negatively impact the encroachment of the existing deck. Roll Call Vote: Frigmanski: yes; Boysen: yes; Jerkatis: yes; Heilman: yes; VanHouten: yes.

Yes: 5, No: 0. MOTION CARRIED.

ZBA 21-05-03 Parcel ID 08-16-220-080-00 A request by Renee & Dennis DeVries of 12940 Sunrise Court for variance relief to allow for the construction of an addition to existing deck and covered porch.

**PRACTICAL  
DIFFICULTY  
STANDARDS**

**MOTION to  
Approve**

**ZBA 21-05-03 Parcel  
ID 08-16-220-080-00  
Request by Devries of  
12940 Sunrise Ct.**

Applicant presented request to the board. They would like to continue this project which was approved by the township and started 9-1/2 years ago. The project was put on hold and the applicant did not realize that he needed to seek approval again until a new building permit was requested.

At this time the board conferred with the applicant and questions were posed and answered.

John Frigmanski 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.

**PRACTICAL  
DIFFICULTY  
STANDARDS**

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 ensuring 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 Heilman with support from Boysen to approve the deck construction and overhang with the rule that they cannot enclose it; only a roof is what is being allowed, based on Items #4 and #5. Roll Call Vote: Frigmanski: yes; Boysen: yes; Heilman: yes; VanHouten: yes; Jerkatis: yes.

**MOTION to  
Approve**

Yes: 5, No: 0. MOTION CARRIED.

**OLD BUSINESS:**

None

**OLD BUSINESS**

**OTHER SUCH BUSINESS/BOARD COMMENTS:**

**Heilman:** The board needs to be able to have a right to go back a year later to make sure the project

**BOARD  
COMMENTS**

was completed in the manner it was approved. He requested that Dave VanHouten bring that up with the Board.

**Frigmanski:** Right now the township is not allowed to go onto their property but if it is agreed as part of the approval process then we can go back and check.

**VanHouten:** Are you sure that we don't want to leave that up to PCI? From there the Township has always operated on trust. It can be brought up to the Board but wondering if it is more of a Planning commission issue.

**Heilman:** Concerned that more and more requests are coming in for overhangs and such and if we don't follow up, they could enclose them later and then it would be a line-of-sight issue.

**Boysen:** That should be up to PCI.

**Jerkatis:** PCI is in control of the situation and their obligation is to make sure that it's done properly. The township pays them for that and their obligation is to see that it's done according to approved plans. If PCI is not doing their job, then the township board and the PC need to talk to them. Beyond that it is a matter of the surrounding neighbors being aware of what's going on and then the township will look into it. Residents are pretty righteous about doing what they say they are going to do.

**Frigmanski:** We are talking about one year, not at any time in the future. Because at this point in time, the township is not allowed on the property. We are just asking that you take that back to the board and see what they have to say.

**VanHouten:** We are not a policing state but we can look at it. PCI has the responsibility to go back and see what was done. There are some problems with PCI not doing the staking and the township may be headed toward having their own zoning person.

**Heilman:** We have new people on the board. If they don't have a background in zoning and building, should we try to get them into some schooling? MTA and Michigan State have some programs and classes that we should try to get people involved in.

**VanHouten:** I don't know if we should question their background as that was already done when they were interviewed. There are classes available and we encourage all the board members to get involved with them. Sandy, can you please ask Rebecca to mark her comments with A, B, C, etc., so that it will be more accurate when we're making notes for the meeting? Thank you.

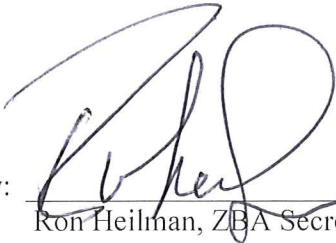
**Jerkatis:** I will take care of the computer problems so that I won't have problems with being on the Zoom meetings in the future. That will be done.

**Heilman:** Asked for clarification on how long meetings will be held on ZOOM. It is expected to be until the end of 2021 at this time.

**ADJOURNMENT:**

**ADJOURNMENT**

Motion by VanHouten with support from Boysen to adjourn meeting at 7:33 PM. Approved by all. Motion Carried.

Approved by:  \_\_\_\_\_ Date: 6/9/21

Ron Heilman, ZBA Secretary

Approved by:  \_\_\_\_\_ Date: 6/9/2021

Michael S. Cunningham, Township Clerk

Respectfully submitted by:  
Betsy Frigmanski, Recording Secretary  
May 13, 2021

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