

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

**Tuesday, October 8, 2013**

**Yankee Springs Township Hall  
284 North Briggs Road, Middleville, Michigan 49333**

**Oct. 8, 2013  
FINAL MINUTES  
Approved 2/11/14**

**MINUTES**

Meeting called to order at 7:05 PM by Paul Heystek

Roll Call: Present: Patrick Jansens, Al Schwennesen, Richard Beukema, Paul Heystek, Mary Cook, Chuck Biggs (Alternate). All Present.

PLEDGE OF ALLEGIANCE –

Staff Present: Sandy Marcukaitis, Frank Fiala, Jim Orr – Constable, Larry Knowles-Zoning Administrator, Mark Englerth – Supervisor.

Visitors: 20 (not including staff present).

**ROLL CALL**

**PLEDGE**

**ADDITIONS OR CORRECTIONS TO AGENDA: None.**

**APPROVAL OF MINUTES:**

Motion by M. Cook with support from Jansens to approve ZBA meeting minutes of September 10, 2013 as presented. MOTION CARRIED.

**OPENING OF MEETING:** Paul Heystek, Chairman

Mary Cook read the Standard of Practical Difficulty.

**NEW BUSINESS:**

**ZBA 13-09-05 Parcel ID 08-16-085-001-09:** A request by Jason Engelsma Homes (Dennis O'Connor) for the property located at 11779 Lakeridge Dr., Wayland, to build the home 13 feet from the Road R-O-W and 43 feet from the Water's Edge.

The 43 feet (mentioned above) was corrected to 86 feet from the Water's Edge.

Jason Engelsma commented the first part of the request is to be 13 feet from the property edge at the road side, because the road runs inconsistently through the right of way, and 43 feet from the road edge. The second part of the request is to set the home 86 feet back from the lake side. This will be less non-conforming than the structure that is there now. Side yards are within code. Engelsma mentioned that a modular home that sets way back makes a substantial difference in the setback. There are also two vacant lots involved. It was noted that these vacant lots will always be vacant as it is in the by-laws. Two large trees will be preserved. It was noted that all of the neighbors on the street have approved of this project, and signatures have been obtained.

**ADDITIONS TO AGENDA**

**APPROVAL OF MINUTES:**

Minutes of ZBA September 10, 2013 Meeting approved.

**OPENING OF MEETING:**

Paul Heystek, Chairman

**NEW BUSINESS:**

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Public Comment Period closed at 7:25 p.m.

Motion by M. Cook with support from Jansens to approve ZBA request 13-09-05 Parcel ID #08-16-085-001-09 to build home 13 feet from the property line and 86 feet from the water's edge. The hardships involved are that Lakeridge Drive does not lay where platted. There is 25 feet or more between the edge of Lakeridge Drive and where the property begins. The lakeside setback cannot be easily established, because 150 feet in each direction takes into account a vacant lot and easement on one side, and an older, smaller house and a regular house on the other side. The smaller house skews the lakeside setback to make it impractical for even the smaller house to be torn down and rebuilt in the future. ROLL CALL: Heystek: yes, Jansens: yes, Schwennesen: yes, M. Cook: yes, Beukema: yes. Yes: 5, No: 0. MOTION CARRIED.

Motion to approve ZBA request 13-09-05 Parcel ID #08-16-085-001-09 to build home 13 feet from the property line and 86 feet from the water's edge.

**ZBA 13-09-06 Parcel ID 08-16-105-017-00:**

A request by Stephen Klotz of 2791 Russell Dr., Wayland, to build an outbuilding on the portion of the parcel on the west side of Russell Drive. The request is for a variance from the allowable maximum of 1,600 sq. feet to the desired 1,878 sq. feet.

Steven Klotz property owner, commented that the outbuilding would be for storage of boats, jet skis, cars and docks. The lot is 10,522 sq. feet. The outbuilding would cover 17.8% of the surface area of the lot. Klotz commented that he could build two separate garages with his adjoining lot, but he would rather build one building. It was noted that the outbuilding would be just for storage not living quarters. There is no plumbing. An exercise room is planned for upstairs. It was also noted that the zoning is for Residential lakefront.

Paul Heystek, ZBA Chair, explained the 1,600 sq. foot maximum standard. The ordinance was just recently changed to this standard.

Mr. Kahler of 2777 Russell Drive commented that he stores his dock inside a building as well. As far as appearance and utilizing the lot, Kahler has no problem with the extra 200 feet requested for the outbuilding project of Mr. Klotz.

Kevin Kavanaugh of Whispering Pines #16, would ask to move the building south as far as possible to allow for more green space between the back of the project elevation and Kavanaugh's unit. Regarding the barricade requirement for Whispering Pines, Kavanaugh commented that he would like a split rail fence and Mr. Klotz agrees as well.

Public Comment closed at 7:55 p.m.

Motion by M. Cook with support from Jansens that ZBA denies ZBA Request 13-09-06 due to lack of hardship. ROLL CALL: Heystek: yes, Jansens: yes, Schwennesen: yes, M. Cook: yes, Beukema: yes. Yes: 5, No: 0. MOTION CARRIED.

Motion that ZBA denies ZBA Request 13-09-06 due to lack of hardship. MOTION CARRIED.

**ZBA 13-09-07 Parcel ID 08-16-065-021-00:**

A request by Shashin Kothawla of 6914 Northstar Ave., Kalamazoo, to build a dwelling containing less than seven hundred twenty (720) square feet of floor space on the first floor, exclusive of the garage and other non-habitable areas. The variance request is for a building currently under construction on Lot 26-Shady Lane.

Zoning Administrator, Larry Knowles, gave a brief history of what has taken place up to the point of tonight's meeting. S. Kothawla commented that at the original request for the pole building, he requested a bathroom to be built. Knowles commented that he was notified by PCI in early September that a dwelling was being built upstairs. A stop order was issued. Kothawla signed a hold harmless form to keep working up to this meeting. The reason for this problem is that it doesn't fit the ordinance for 720 sq. feet on the first floor, and Kothawla does not have that. Kothawla commented that his building is in keeping or superior to many of the properties around it. Kothawla commented that he had asked immediately for a washer and dryer as well. A PC member did not recall that happening. Also mentioned that the high elevation that the building sits on lends itself to run-off. Kothawla mentioned that he knows of at least 20 people with living spaces above their detached garage areas. Kothawla commented that he can document this information. Kothawla doesn't see how he can be singled out, when the others haven't ever come for an approval. Kothawla wanted the previous comment addressed on the record. Heystek, Chair commented that Kothawla didn't end up doing what he had told the PC he (Kothawla) was going to do. Heystek commented that he didn't think the washer and dryer would have been approved and that there is no need to have the washer and dryer hook up. Heystek also commented that he had been told that the upstairs is not traditional storage. Heystek noted that those who have residences above a garage without approval are taking a risk, and fires are a great danger.

**Joe Cross, a next door neighbor**, commented that the ZBA had covered a lot of his concerns including his concern regarding run-off. Cross wondered if Kothawla will need to build a retaining wall or a collection system. Cross commented that he is getting quite severe run-off from Kothawla's building.

**Dick Skipper, (helper to Joe Cross)**, commented that he helps J. Cross take care of his properties. Skipper mentioned that he has served on a ZBA and Skipper does not see any hardship with this matter. Skipper commented that the issue is self-created and by approving the request, the ZBA will set a precedent.

**Joe Cross** also mentioned that in a brief conversation with S. Kothawla, Kothawla brought up his right to the easement. M. Cook addressed this by acknowledging that the ZBA doesn't make decisions on this and the property deed or plat map should be reviewed. M. Cook also noted that PCI could be consulted regarding this issue as well.

Larry Knowles, commented that he thought it was agreed upon to install a catch basin. The roof run-off wasn't the issue, gutters have been installed. The tapered design of the building lends itself to the run-off. Kothawala feels that the run-off is still contained on his property. Heystek mentioned that everyone is responsible for water run-off on their own property, and it is the neighborly thing to do (take care of it) if the run-off goes onto a neighbor's property.

R. Beukema read a document that Kothawala signed on Dec. 5, 2012. The document noted that his building would not be used for any permanent or temporary residential purposes. Furthermore, it was documented that any such usage would be in direct violation of Yankee Spring's Ordinance, which would be considered a municipal civil infraction as defined by Michigan statute.

Motion by Jansens with support from Schwennesen to deny ZBA Request 13-09-07, Parcel ID #08-16-065-021-00 on basis of there being no hardship, and is self-imposed.  
ROLL CALL: Heystek: yes, Jansens: yes, Schwennesen: yes, M. Cook: yes, Beukema: yes. Yes: 5, No: 0. MOTION CARRIED.

It was discussed that anything non-conforming (such as extra plumbing not needed for the bathroom) be removed. It was noted that this item should be brought to the attention of the ZA.

**OLD BUSINESS:**

It was mentioned by M. Cook that the need for another ZBA member has been brought to the attention of Mark Englerth.

**ADJOURNMENT:**

Motion by Heystek, support by Cook to adjourn at 8:25 PM. Approved by all.

Respectfully submitted:

Deb Mousseau  
Recording Secretary  
9-14-13

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

Date: \_\_\_\_\_

Motion to deny ZBA Request 13-09-07, Parcel ID #08-16-065-021-00 on basis of there being no hardship, and is self-imposed. MOTION CARRIED.

**OLD BUSINESS**

**ADJOURNMENT**

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