

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS MEETING</p> <p style="text-align: center;">Tuesday, October 10, 2017 7:00 PM</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><u>MINUTES</u> Page 1 of 3 ZBA 10-10-17 Distributed 10-13-17 jcl</p>
<p>Meeting called to order at 7:00 PM by Jacob Welch, Chairman.</p> <p>Roll Call: Present: Cathy Strickland (PC Rep.), Dave VanHouten (Vice Chair), Ron Heilman (ZBA Secretary), Jacob Welch (Chairman)</p> <p><u>PLEDGE OF ALLEGIANCE –</u></p> <p>Absent: Roger Rottschafer (Absent with notice). Both Alternates, John Frigmanski, and Todd Delamar are absent with notice as well.</p> <p><i>*Mr. & Mrs. Cutlip chose to proceed with 4 members of the ZBA present.</i></p> <p>Staff Present: Larry Knowles- Zoning Administrator, Sandy Marcukaitis.</p> <p>Visitors: 3 - not including staff present.</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p><u>REPORTS FROM REPRESENTATIVES:</u></p> <p>Planning Commission: Cathy Strickland noted the PC has been working on the Master Plan. The PC had a special workshop to work on the Master Plan on Sept. 21 from 5:30 p.m. to 7 p.m. At 7 p.m. that evening, the PC reconvened for the Regular Meeting – Mr. Hubble, came in with permeable product to reduce lot coverage percentage. Maldas of Rock Drive requested a SEU for an outbuilding across from their home on a less than 2 acre parcel. Shalinda Development was approved to be recommended to the Board for their final approval of the preliminary plat plan. Marina ordinance was reviewed. (Basically it is the county (marina) ordinance mentioned Strickland). The Twp. Board voted to opt out (Marijuana). C. Strickland noted the Township Attorney thinks things may change (regarding the Marijuana issue) in December. C. Kaufman, YS Twp. attorney was present at the PC meeting of Sept. 21st.</p> <p>Zoning Administrator: Larry Knowles commented on an option to come back at the next scheduled meeting for the applicants (Mr. & Mrs. Cutlip) with a full board (5 members). Once the vote is through, the applicants would have to wait one year in order to come back. The Cutlip's chose to proceed with a four (4) member board present this evening.</p> <p>Board of Trustees: Roger Rottschafer, Trustee, not present.</p>	<p><u>REPORTS FROM REPRESENTATIVES</u></p>
<p>APPROVAL OF MINUTES:</p> <p>Motion by Heilman with support from VanHouten/Strickland to approve ZBA meeting minutes of September 12, 2017 as presented. All ayes. MOTION CARRIED.</p>	<p>APPROVAL OF MINUTES:</p> <p>September 12, 2017- ZBA meeting minutes approved.</p>
<p><u>PUBLIC COMMENT:</u> None at this time regarding non-agenda items.</p>	
<p><u>NEW BUSINESS:</u></p> <p>1. ZBA – 17-10-07 PARCEL ID# 08-16-125-029-00 Property address: 11067 Gun Lake Rd., Middleville, MI 49333: <i>A request by Michael & Melinda Cutlip for a variance to build a structure that would be 4.5 feet from the side yard line. The minimum side yard setback for this property is 10 feet. Article XII – Sec. 12.4.3.a</i></p>	<p><u>NEW BUSINESS</u></p>

Open Public Hearing:

Motion by Heilman with support from Strickland to open public hearing at 7:02 p.m.
All ayes. MOTION CARRIED.

Public hearing opened at 7:02 p.m. :

Michael Cutlip presented their request. He commented that if the variance is granted the new construction would have a cleaner line for neighbors to look at, and provide better access for service and emergency vehicles. The addition would have a better appearance, if variance is granted. Shed will be removed.

Neighbor, Jean Stuckey, of Gun Colony Drive, was present and voiced support of the Cutlip's project.

*For the Record: *Letters of support for the project were received from neighbors: Roy and Jackie Martin and Gov. Rick Snyder. No other correspondence received.*

CLOSE PUBLIC HEARING - at 7:12 P.M.

Motion by Heilman with support by Welch to close public hearing at 7:12 p.m. All Ayes.
MOTION CARRIED.

BOARD DELIBERATION TOOK PLACE-

Ron Heilman read the **Non-use Variance** section of the **Practical Difficulty Test:**

- B. Non-use Variance:** A non-use variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter; or
 - b. by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
 - c. by reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
 - d. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary,
 2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonable practical the formulation of a general regulation for such conditions or situations.
 3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 5. The variance will not impair the intent and purpose of this Ordinance.
 6. That the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.

MINUTES

Page 2 of 3

ZBA

10-10-17

Motion to open public hearing at 7:02 p.m.

PUBLIC COMMENT

Motion to Close at 7:12 p.m.

BOARD DELIBERATION

Findings of Facts of the six (6) points/conditions of the Non-Use Variance Section were: (by R. Heilman)

1. Regarding exceptional or extraordinary circumstances, Heilman noted with the trees and the way the lot is set up, it would be difficult for the Cutlip's to put in a garage without it looking like an added piece. It would be more aesthetic with the variance granted.
2. Heilman noted existing non-conformity with this specific piece of property and that it follows the guidelines set in #2.
3. Difficulty of parking due to the arrangement of the house and trees on property was noted.
4. Neighbors on both sides commented that the variance would not be a detriment to their properties.
5. Heilman commented that the variance requested wouldn't impair the intent and purpose of the ordinance.
6. Lastly, R. Heilman noted that the Cutlip's didn't put the garage in to have it 4.5 ft. from the lot line.

R. Heilman commented, "In reality, all six (6) of the practical difficulty tests, there's something within each one of them that meets the criteria."

D. VanHouten agreed with Heilman and noted existing house is already at a 4.5 ft. setback and is not impairing the neighbors.

Motion by Heilman with support from VanHouten to approve variance as requested as all six (6) conditions of the Practical Difficulty Test have been met and fall within the criteria range of allowing a variance. . ROLL CALL: Strickland: Yes, Rottschafer: Absent, VanHouten: Yes, Welch: Yes, Heilman: Yes. Yes: 4, No: 0, Absent: 1.
MOTION CARRIED.

ADJOURNMENT:

It was motioned by R. Heilman and supported by J. Welch to adjourn at 7:19 p.m. Approved by all.

Approved by : _____ Date: _____
Ron Heilman, ZBA Secretary

Approved by: _____ Date: _____
Janice C. Lippert, Township Clerk

Respectfully submitted by:
Deb Mousseau
Recording Secretary
10.10.17

MINUTES
Page 3 of 3
ZBA
10-10-17

**MOTION TO APPROVE
VARIANCE REQUEST**

ADJOURNMENT