

YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
MEETING
Tuesday, September 14, 2021
6:00 PM
Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333

DRAFT MINUTES

DRAFT MINUTES

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ZBA Meeting
September 14, 2021

Routing 9/28/21

Buena

Emgil
Welch

Benda

Meeting called to order at 6:00 PM by Jake Welch.

PLEDGE OF ALLEGIANCE

Roll Call: Present: Bill Stoub, John Jerkaitis, Jake Welch, John Frigmanski, Ron Heilman

Absent with notice: Dave VanHouten

Staff Present: Sandy Marcukaitis, Rob Heethuis

Visitors: 1

REPORTS FROM REPRESENTATIVES:

Planning Commission: John Frigmanski, PC rep to the ZBA: Still working on private road ordinance.

Board of Trustees: None.

REPORTS FROM REPRESENTATIVES

APPROVAL OF MINUTES:

Motion by Heilman with support from Stoub to approve ZBA meeting minutes of July 13, 2021.

Roll Call Vote: Heilman: yes, Welch: yes, Jerkaitis: yes, Frigmanski: yes, Stoub: yes.

Yes: 5, No: 0. MOTION CARRIED

APPROVAL OF MINUTES

NEW BUSINESS:

ZBA 21-08-10 Parcel ID 070-027-00 A request by John Kuiper of 3424 Elmwood Beach to build an addition on garage to facilitate sleeping quarters. He is seeking relief from setbacks and the maximum floor space permitted for guest houses.

Public Comment: None.

Motion by Heilman with support from Jerkaitis to open the session. All ayes. MOTION CARRIED

NEW BUSINESS

ZBA 21-08-10 Parcel ID 070-027-00 REQUEST BY JOHN KUIPER

Discussion: Mr. Kuiper shared the details of his proposal and that the proposed addition does exceed the allowed square footage for this type of building. Also, the setbacks will need to be adjusted in order to do this. The request is for 672 square feet plus the deck. Mr. Kuiper answered questions from the Board. This is to be built upon a garage that has been deemed to be safe to build such a structure. Building the deck requires a variance to the setback but does not have to be included in the square footage. Mr. Jerkaitis made a suggestion that Mr. Kuiper

review the safety of the design but that it outside of the scope of the variance request.

Motion by Stoub with support from Frigmanski to close the public comment. All ayes.

MOTION CARRIED

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 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: Regarding setbacks, the applicant is asking for 6" on the road side based on the measurement from the eaves. The request for the variance on the lake side is 16'

Motion by Stoub to approve the appeal for the variance as written. Motion died for lack of support.

Motion by Heilman with support from Frigmanski to leave the setback from the lake at 25' and the road way side setback to be 9'6". Discussion: That would mean granting the road side set back and denying the lake side setback. Welch requested that the motion be amended to include the practical difficulty standard.

Amended motion: Motion by Heilman with support from Frigmanski to pass the setback for the road side to 9'6" and denying the request for 19' and saying he has to be 25' back from the lakeside and basing on Standards No. 3, 4 and 5. Roll Call Vote: Stoub: yes; Jerkaitis: yes; Frigmanski: yes; Welch: yes; Heilman: yes.

Yes: 5, No: 0. MOTION CARRIED.

Discussion with regard to the size of the requested guest quarters: The board does not know whether the other guest quarters in the area are larger than the square footage allowed. The

PRACTICAL
DIFFICULTY
STANDARDS

MOTION TO
APPROVE REQUEST
FOR VARIANCE
RELIEF ON
SETBACKS

MOTION TO
APPROVE REQUEST
FOR VARIANCE
RELIEF

size requirement relates to the issue that the space not be used as a rental property and that a kitchen not be included for the same reason.

Motion by Heilman to approve the 192 square foot variance he is asking for for the second floor over the garage based on Standards No. 3, 4 and 5. Motion died for lack of support.

Motion by Stoub with support from Heilman that we grant the variances requested without any additions. Discussion: This is the same motion as just died for lack of support. **Roll Call Vote:** Jerkaitis: yes; Welch: no; Stoub: yes; Frigmanski: no; Heilman: yes.

Yes: 3, No: 2. MOTION CARRIED.

OLD BUSINESS:

Frigmanski: Still waiting for the Planning Commission to make a decision regarding changing the setback to measure to the foundation rather than from the eaves.

ADJOURNMENT:

Motion by Stoub with support from Welch to adjourn meeting at 7:04 PM. All Ayes.
MOTION CARRIED.

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

Approved by: _____ Date: _____
Michael S. Cunningham, Township Clerk

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
September 16, 2021

MOTION TO APPROVE REQUEST FOR VARIANCE RELIEF ON SQUARE FOOTAGE

OLD BUSINESS

ADJOURNMENT

