

<p style="text-align: center;"> <b>YANKEE SPRINGS TOWNSHIP</b>  <b>PLANNING COMMISSION</b>  <b><u>In Person</u>– Regular Meeting</b>  <b>7:00 p.m.</b>  <b><u>May 18, 2023</u></b>    <b>Yankee Springs Township Hall</b>  <b>284 North Briggs Road, Middleville, Michigan 49333</b>  <b>MINUTES</b> </p>	<p> <b>MINUTES</b>  <b>Page 1 of 6 PC</b>  <b>APPROVED: _____</b>  Regular PC Mtg. 5/18/23 </p>
<p> <b>Meeting called to order at 7:00 PM by Planning Commission Chair, Shana Bush.</b>    <b><u>PLEDGE OF ALLEGIANCE</u></b>    <b><u>Roll Call:</u> Present:</b> Beukema, Kooistra, Knowles, Craven, Bush, Frigmanski, Fiala.    <b><u>Zoning Administrator:</u></b> Joe Shea, Present    <b><u>Professional Planner:</u></b> Rebecca Harvey, Absent with notice.    <b><u>Staff Present:</u></b> Dennis Buist-Constable, Rob Heethuis, Sandy Marcukaitis.    <b><u>Visitors:</u></b> 6 (not including staff present). </p>	<p> <b>CALL TO ORDER</b>  <b>PLEDGE</b>  <b>ROLL CALL</b> </p>
<p> <b><u>APPROVAL OF AGENDA:</u></b>    <b><u>Addition to agenda:</u> Discussion on Chickens (under New Business).</b>    <i>Motion by Beukema with support from Fiala to approve the agenda as amended.</i>  <i>All Ayes. MOTION CARRIED.</i> </p>	<p> <b><u>APPROVAL OF</u></b>  <b><u>AGENDA as</u></b>  <b><u>amended</u></b> </p>
<p> <b><u>REPORTS from REPRESENTATIVES:</u></b>    <b><u>Board of Trustees-</u> Larry Knowles, Trustee, reported:</b> <ul style="list-style-type: none"> <li>• Yankee Springs Twp. Clean up Day was a success.</li> <li>• Veterans Memorial Day Observance will be Sunday, May 28<sup>th</sup> at 4 p.m. at the Veterans Memorial at the YS Twp. Fire Station.</li> <li>• Parking lot at park is now paved and landscaping</li> </ul>   L. Knowles also noted that the Board on May 11th approved: <ul style="list-style-type: none"> <li>• Purchase of a radio replacement for fire dept.</li> <li>• Coman cemetery driveway repair</li> <li>• Twp. Newsletter June 15<sup>th</sup> deadline for submissions</li> <li>• Budget Meeting to be held June 14<sup>th</sup> at 3 p.m.</li> <li>• Blood Drives are scheduled for June 20<sup>th</sup> and August 22<sup>nd</sup></li> </ul>   <b><u>ZBA-</u> John Frigmanski commented regarding the May 9<sup>th</sup> meeting of the ZBA. A case was heard in which two variances were requested –one for the deck and one for the steps leading down from the deck. Both variance requests were denied. The deck had already been built. It was noted that there had been a deck on the 2<sup>nd</sup> floor when the current owners purchased the home. It was torn down. Enough variance was granted so the owners could put a 4’ deck up on the 2<sup>nd</sup> floor rather than the 12’ deck- for safety purposes.</b> </p>	<p> <b>BOARD REPORTS</b>  <b>from</b>  <b>REPRESENTATIVES</b> </p>

<p><b>ZONING ADMINISTRATOR REPORT:</b> Joe Shea, ZA, noted, in reference to the ZBA report, that the existing 2<sup>nd</sup> story deck and stairway was torn down (per builder) and they are going to replace it with lower deck only, and probably not build the deck they were allowed to build- at least for now.</p> <p>Referring to the property with multiple vehicles across from Fire Station on M-179, J. Shea noted a ticket has been issued and there's a court date for June 6 at the District court. There is a dumpster on site, but J. Shea is not aware that any vehicles have been moved yet. "We'll see what the court says on June 6<sup>th</sup>," noted Shea.</p> <p>Regarding the backyard chicken issue mentioned last month, a violation was issued this week reluctantly because they (The Straits who are present at tonight's meeting) only have five hens, but it violates the ordinance because the ordinance requires one acre of land and it has to be either AG or an SEU must be obtained in rural residential or suburban residential which is pretty restrictive according to Shea. J. Shea contacted R. Harvey regarding the Right to Farm Act and R. Harvey recommended contacting the township attorney regarding an evaluation of the legality of our ordinance in light of the Michigan Right to Farm Act.</p>	<p><b>MINUTES</b>  <b>Page 2 of 6 PC</b>  <b>APPROVED:</b> _____  Regular PC Mtg. 5/18/23</p>
<p><b>PUBLIC COMMENT:</b></p> <p><b>Tom Strait, Township Resident,</b> noted that they were the ones currently in violation of having the chickens. It had never occurred to them that it might be an issue. The Straits live near Cobb Lake on a ½ acre lot. Their daughter lives in the town of Middleville "proper" and she is allowed to have chickens in her backyard. "If there is no way to do it, the chickens go," added T. Strait. They agree with J. Shea and would like the rules to be relaxed a bit. They purposely didn't get a rooster as it would be too annoying to the neighbors noted T. Strait.</p>	<p><b>PUBLIC COMMENT</b></p> <p><b>APPROVAL OF MINUTES- 4/20/23</b></p>
<p><b>APPROVAL OF MINUTES:</b> Regular Meeting of April 20, 2023</p> <p><i>Motion by Knowles with support from Beukema to approve minutes of <u>April 20, 2023</u> as presented. All Ayes. MOTION CARRIED.</i></p>	
<p><b>INQUIRY ON CONFLICT OF INTEREST:</b></p> <p><b>ROLL CALL:</b> Fiala asked the PC members present if there was any conflict of any PC member with the agenda of requests and as modified this evening. All PC members noted: NO conflicts. No: 7.</p>	<p><b>INQUIRY ON CONFLICT OF INTEREST</b></p>
<p><b>NEW BUSINESS:</b></p> <p><b>Public Hearing: Zoning Ordinance text amendments to Article II, Definitions, Section 2.1 regarding frontage, lot width, ordinary high-water mark, setbacks and structure, and Article XII, General Regulations, Section 12.4. Required Setbacks regarding encroachments (revised version of draft zoning ordinance amendments.)</b></p>	<p><b>NEW BUSINESS</b></p> <p><b>PUBLIC HEARING</b>  On Zoning Ordinance Text Amendments</p>

**Opening Of Public Comment period in the Public Hearing at 7:09 p.m.**

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**Debbie Grant, Township resident**, asked questions regarding what was being done with definitions in the public hearing. D. Grant wanted to know where to find the information being discussed in the public hearing. D. Grant requested the definition information be read to her as she could not see what was on the screen.

**S. Bush** read the information verbally.

**D. Grant** asked about a generator, for an example, being a structure. D. Grant inquired as to whom decided the proposed changes to these items.

**S. Bush** commented that the PC has discussed this in the past few months.

**L. Knowles** commented that the township board heard from the ZBA. The ZBA made a ruling on this and the township board requested the PC to clean up the language to reflect the ZBA's ruling. Knowles noted that the PC cannot "pass" this proposed change but the PC will make a recommendation to the Township Board.

**D. Grant** noted that she dealt with this last year. D. Grant noted her thoughts regarding the 5' side setback being discussed. D. Grant commented that she was at the ZBA meeting adding that it was "the most ridiculous thing she had been to." D. Grant was curious how much research had gone into this.

**S. Bush** commented that approximately three or four months time has gone into trying to reflect the decision of the ZBA.

**D. Grant** asked specific questions regarding the definition of structure. D. Grant asked if there was any prior discussion on this matter.

**S. Bush** noted there had been a lot of discussion regarding this issue. S. Bush scrolled through and reviewed (on the screen) the information that was involved in the Public hearing this evening for D. Grant. L. Knowles and S. Bush answered specific questions that D. Grant posed regarding the proposed changes to the ordinance.

**Board discussion occurred regarding the table for Article XII – Area, Height, Placement & Setback Regulations.**

**Debbie Grant** commented "... a big part of zoning is that things look nice. You go into a town with no zoning and it looks terrible. You go to a cute town, good zoning, it looks nice. So if you have houses....You can have a house with a big lot and they put it right on the 5' from one property line and they have 30', that's not going to look good. ... Zoning is a big part of it. Especially on Gun Lake...you talk about property values... You want to make sure you don't have these huge houses built on these 50' lots right next to each other. If you start having houses where they are positioned off to the side and stuff that's not going to look very good.... If you have somebody that buys two lots, they have a 100' lot; 10 percent, they have got 10' setback on each side. If you have two lots and two individual owners, that same piece of property at 5' amounts to 20' setback. It's the same thing. If you have one person that comes in and buys two pieces of property, they don't have an equitable amount of setback per property."

<p>PC discussion continued on the setback table.</p> <p><b>Close Of Public Comment period in the Public Hearing at 7:48 p.m.</b></p> <p><b>D. Grant</b> commented that she didn't realize public comment was closed on all items involved in the Public Hearing. D. Grant asked for clarification on the definition of structure as proposed in this public hearing.</p> <p>Discussion occurred amongst PC members.</p> <p><b>D. Grant</b> asked for an explanation regarding a window air conditioner unit and a ground mounted a/c unit in regards to the definition of a structure.</p> <p>After further PC discussion, D. Grant noted that the explanation from some of the PC members made "zero sense" in regards to window air units and ground-mounted units defined as structures.</p> <p>At this point, Chair S. Bush noted that the clarification had been made and it (public hearing) had been closed.</p> <p><i>Motion by Knowles with support from Beukema to approve Zoning Ordinance text as amended across the board- including the table(s). Roll Call Vote: Bush: No, Beukema: Yes, Craven: Yes, Frigmanski: No, Knowles: Yes, Kooistra: No, Fiala: No. Yes: 3, No: 4. MOTION FAILS.</i></p> <p><i>Motion by Fiala with support from Frigmanski to table decision on the table/(chart) to next meeting for further discussion. Nays: Two (2) Knowles &amp; Beukema, and AYES: Five (5), rest (five PC). MOTION CARRIED.</i></p> <p><i>Motion by Knowles with support from Frigmanski to accept everything presented here except for the table(s)/chart. Roll Call Vote: Bush: Yes, Beukema: Yes, Craven: Yes, Frigmanski: Yes, Knowles: Yes, Kooistra: Yes, Fiala: Yes. YES: 7, No: 0. MOTION CARRIED.</i></p>	<p><b>MINUTES</b>  <b>Page 4 of 6 PC</b>  <b>APPROVED: _____</b>  Regular PC Mtg. 5/18/23</p> <p><b>MOTION to APPROVE TEXT AMENDMENTS And TABLE.</b></p> <p><b>MOTION to Table decision on the Table/Chart.</b></p> <p><b>MOTION to APPROVE PRESENTED AMENDMENTS EXCEPT TABLE/CHARTS.</b></p>
<p><b>Chicken Discussion: ZA to contact Twp. Attorney</b></p> <p>It was noted that the ZA would like this item to go to the attorney, C. Kaufman, who is very involved with the Right to Farm Act to make sure we are compliant as a township.</p> <p><i>Motion by Knowles with support from Beukema to allow Zoning Administrator to contact the attorney regarding chickens and our ordinance. ALL AYES. MOTION CARRIED.</i></p>	<p><b>Chicken Discussion</b></p> <p><b>MOTION to ALLOW ZA to Contact Twp. Attorney.</b></p>
<p><b>c. <u>Education:</u></b></p> <p><b>Upcoming and Completed Opportunities – brief discussion occurred.</b>  J. Frigmanski noted he started the online ZBA certificate/training.</p>	

**OLD BUSINESS ITEMS:**

**a. Review of 2023 PC Work Plan occurred.**

*Lee Kooistra & Shana Bush will look into starting a committee on Wind & Solar energy.*

**OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION**

**John Frigmanski, also of the ZBA,** mentioned that it was brought up at the ZBA meeting about adding to the ZBA minutes items that they (ZBA) wanted to pass on to the PC or to the Board of Trustees. Sandy Marcukaitis is working on a form for this information/direction/details.

**PUBLIC COMMENT:**

**Debbie Grant,** inquired if this information (info involved in the Public Hearing) was on the meeting minutes or on the township website.

**Sandy Marcukaitis** noted it (Public Hearing info) was publicized in the paper and in the post in the paper it was noted that you can come into the office and you can always get a copy. S. Marcukaitis commented that if D. Grant had called the office prior to tonight, her questions could have probably been answered beforehand.

**Mary Ironside, another audience member,** noted she got the info on the website, under Planning & Zoning.

**D. Grant** commented, "I'm a member of the community I have a home here too, so I want to express my views. But it just doesn't feel...."

**S. Marcukaitis** commented that the post said one can express their views by letter or email and it will be read into the record.

**D. Grant** continued, "It feels like the community should be able to come in and discuss their opinions on what is happening. I don't know that I get this feeling that I feel that welcome..."

**R. Craven, PC Member,** commented that the PC is here every third Thursday of the month, and everything is published as she (Sandy Marcukaitis) stated and it is open. "We have public comment that we ask for every time so if anybody wanted to speak on that they were able to," added Craven.

**L. Knowles** commented that this issue is "basically coming to a head tonight. This has been deliberated for four months. Those are probably the meetings you should have been to."

**Sandy Marcukaitis** commented on the Veterans Committee invitation to the upcoming Memorial Day observance coming up.

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**OLD BUSINESS ITEMS**

**OTHER SUCH BUSINESS**

**PUBLIC COMMENT**

**PUBLIC COMMENT:** *continued*

**L. Knowles** added that the Veterans Memorial Day Observance will be on May 28 at 4:00 p.m. "It will be Sunday, not Monday. There will be hot dogs & fries – free."

**D. Grant** began to comment.

**Constable Dennis Buist** commented to D. Grant that she had taken up most of her 5 minutes.

**D. Grant** commented that she had been cut off.

**S. Bush, PC Chair**, noted public comment is just a public comment option and not intended to be an interaction at the public comment. We'll take your comments into consideration and if there's something to act on at our next meeting we can do that. Public comment is just a comment actually.

**D. Grant** inquired if there was ever any spot where people in the community can come in and ask questions?

**R. Beukema, PC Vice Chair**, responded, "Yes. It's in the office."

**D. Grant** responded, "Who do you ask the questions to?"

**R. Beukema** commented, "You can ask to see the Zoning Administrator or whoever you think you need to talk to. You can ask for that person to be there and arrange for a meeting and meet them in the office."

**D. Grant** commented that she had situations in the past where she had made contacts "and it went for months and I never got any contact from anybody I got pushed around to different things and things got too late and nothing ever happened so... Okay. Thank you."

**ADJOURNMENT:**

**Motion by Knowles with support from Frigmanski to adjourn at 8:12 p.m. All Ayes.**

**MOTION CARRIED.**

Approved by: Frank Fiala Date 6/15/23  
Frank Fiala, Planning Commission Secretary

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**PUBLIC COMMENT:**  
*continued*

**ADJOURNMENT**

Deb Mousseau  
Recording Secretary  
5/18/23