

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

MINUTES

MINUTES
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 ZBA Meeting
 December 14, 2021

Meeting called to order at 6:00 PM by Dave VanHouten.

PLEDGE OF ALLEGIANCE

Roll Call: Present: Dave VanHouten, Ron Heilman, John Jerkatis, John Frigmanski, Michael Boysen.

Absent with notice: Jake Welch

Staff Present: Sandy Marcukaitis, Rob Heethuis

Visitors: 1

REPORTS FROM REPRESENTATIVES:

Planning Commission: John Frigmanski, PC rep to the ZBA: Still working on private roads and will hopefully wrap up. Also will be having a public meeting on home occupations.

Board of Trustees: Dave VanHouten, Board Trustee: Recycle committee has met a couple of times and making good progress. The park committee is also making good progress. Fire department met today for the rapid deployment craft that the funds were donated by the Gun Lake Tribe. Water Advisory Board has been working. The Veteran's Committee has not had any meetings the last few weeks. The Board is looking at how to best invest the ARPA funds and some meetings are coming up. There is a meeting tomorrow on the office renovation project. We have a Road Commission coming up.

INQUIRY ON CONFLICT OF INTEREST:

VanHouten inquired if there were any conflict of interest with the board regarding tonight's request. There were none.

APPROVAL OF MINUTES:

Motion by Heilman with support from Frigmanski to approve ZBA meeting minutes of September 14, 2021. Roll Call Vote: Frigmanski: yes; Boysen: yes; Jerkatis: yes; Heilman: yes. VanHouten abstained.

Yes: 4, No: 0. MOTION CARRIED

NEW BUSINESS:

ZBA 21-11-06 Parcel ID 16-065-007 A request by Patricia Moretti of 10830 Shady Lane, Middleville, to be granted relief from the setback established in Section 12.4

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

REPORTS FROM REPRESENTATIVES

CONFLICT OF INTEREST

APPROVAL OF MINUTES

NEW BUSINESS

ZBA 21-11-06 Parcel ID 16-065-007 REQUEST BY PATRICIA MORETTI

Public Comment: None.

Discussion: The homeowner will be building an overhang on half of the deck. This will be the same footprint as what was already there. The deck has already been replaced because the original deck was sinking. The work was done by a professional contractor and the footings were inspected. Ms. Moretti answered questions as posed by the Board. The structure will not be enclosed.

Per VanHouten, the public comment is now closed.

Dave VanHouten 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).

Discussion: A letter was received by the Board today from Bill Bracker (neighbor) supporting the approval of the project. Ms. Moretti also brought letters of support and messages from neighboring properties. (Copies are included with the minutes.)

Motion by Heilman with support from Boysen to approve her project with the condition that there are no sides ever put on it, it is just a shed roof as the picture shows, no canvas sides, no stick-built sides, or anything added to it. Discussion: How can this Board be assured that it's enforced that the homeowner not enclose at a later date? Per VanHouten the ZBA does not enforce but operates on a complaint basis. Discussion also took place on whether or not denying this variance presents a hardship to the property owner.

MOTION TO APPROVE
REQUEST FOR
VARIANCE RELIEF

Amended Motion: **Motion by Heilman with support from Boysen to approve her project with the condition that there are no sides ever put on it, it is just a shed roof as the picture shows, no canvas sides, no stick-built sides, or anything added to it based on Difficulty test 3, 4 and 5.** Discussion: There are many properties that are not in compliance in that area. This overhang will not impair anyone's view. It also will not change the access of emergency vehicles.

Roll Call Vote: VanHouten: yes; Heilman: yes; Frigmanski: yes; Boysen: yes; Jerkatis: no.

Yes: 4, No: 1. MOTION CARRIED.

OLD BUSINESS:

Heilman: Has a concern that when cases are approved, there is no follow up. There is nothing in the Township to follow up and violations do come up after the fact. Asked if the Board wants the Code Enforcement Officer to be involved with that or how these matters can be addressed. Jerkatis asked if it was the responsibility of PCI to follow up. Frigmanski asked if it could be added that someone from the Township has the right to enter the property for a specified period afterward to see if it remains in compliance. VanHouten feels that most people are pretty honest and doesn't want an active policing approach and should only be addressed again if there is an active complaint.

Also, if PCI had staked the property there would not have been a question about where the overhang would be located. Heilman reiterated that they have requested for the past year that the staking be done and he is concerned about that and meeting attendance. VanHouten suggested the Board follow up to make sure it is clear what needs to be done and if PCI can agree to it. Another option would be to let the homeowner know that their builder needs to have it staked out before the application is reviewed. The Board should have the right to include with the application exactly what the ZBA needs to approve the homeowner's proposal (i.e., staked property, scaled drawings, etc.). If the board members will submit proposed changes to Sandy Marcukaitis, she will try to bring updated forms to the Joint meeting in January.

The Planning Commission is going to be reviewing the fee schedules at their next meeting. There have not been any increases in fees or fines since 2007.

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.

OLD BUSINESS

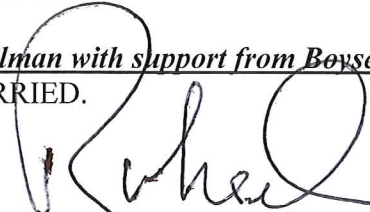
ADJOURNMENT

ADJOURNMENT:

Motion by Heilman with support from Boysen to adjourn meeting at 6:54 PM. All Ayes.

MOTION CARRIED.

Approved by:


Ron Heilman, ZBA Secretary

Date:

01/26/2022

Approved by:


Michael S. Cunningham, Township Clerk

Date:

1/27/2022

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
December 19, 2021