

<p style="text-align: center;"><b>YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS MEETING</b></p> <p style="text-align: center;"><b>Tuesday, February 10, 2015</b></p> <p style="text-align: center;"><b>Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</b></p> <p style="text-align: center;"><b>MINUTES</b></p>	<p><b>FINAL MINUTES</b></p>
<p>Meeting called to order at 7:00 PM by Mary Cook, Chairperson</p> <p><b>Roll Call:</b> Present: Al Schwennesen, Richard Beukema, Roger Rottschafer, Mary Cook, Chuck Biggs, Jake Welch (new member).</p> <p><b>PLEDGE OF ALLEGIANCE –</b></p> <p><b>Staff Present:</b> Larry Knowles- Zoning Administrator, Jim Orr- Constable.</p> <p><b>Visitors:</b> 11- not including staff present</p>	<p><b>CALL TO ORDER</b></p> <p><b>ROLL CALL</b></p> <p><b>PLEDGE</b></p>
<p><b>REPORTS FROM REPRESENTATIVES: None.</b></p>	<p><b>REPORT FROM REPRESENTATIVES: None.</b></p>
<p><b>APPROVAL OF MINUTES:</b></p> <p>Motion by R. Beukema with support from R. Rottschafer to approve ZBA meeting minutes of August 12, 2014 as presented. All ayes. MOTION CARRIED.</p> <p>Motion by R. Rottschafer with support from A. Schwennesen to approve ZBA meeting minutes of December 9, 2014 as presented. All ayes. MOTION CARRIED.</p>	<p><b>APPROVAL OF MINUTES:</b></p> <p>Minutes of ZBA Meetings of August 12, 2014 and December 9, 2014 Meeting</p>
<p><b>INTRODUCTION OF NEW ZBA MEMBER, JAKE WELCH:</b></p> <p>Mary Cook introduced the new ZBA member, Jake Welch. Later, in OLD BUSINESS, Jake's role will be discussed.</p>	<p><b>INTRODUCTION OF NEW ZBA MEMBER, JAKE WELCH</b></p>
<p><b>NEW BUSINESS:</b></p> <p><b>Test of Practical Difficulty:</b> read by Mary Cook</p> <p><b><u>ZBA 15-01-01 Parcel ID 08-16-080-032-00 A request by John Oppenhuizen and Judy Oppenhuizen of 3853 England Drive for a variance to the minimum height and setback distance from the road ROW of a privacy fence.</u></b></p> <p>John Oppenhuizen was present to represent his sister (and himself) with the variance request. Mr. Oppenhuizen explained his request and reasons for the request.</p> <p><b><u>OPEN OF PUBLIC HEARING: 7:15 p.m.</u></b></p> <p>Motion by Beukema with support of Welch to open the Public Hearing at 7:15 p.m. for <b><u>ZBA 15-01-01 Parcel ID 08-16-080-032-00 A request by John Oppenhuizen and Judy Oppenhuizen of 3853 England Drive.</u></b> All ayes. MOTION CARRIED.</p>	<p><b>NEW BUSINESS:</b></p> <p><b>ZBA 15-01-01 Parcel ID 08-16-080-032-00 A request by John Oppenhuizen and Judy Oppenhuizen of 3853 England Drive.</b></p> <p><b><u>OPEN OF PUBLIC HEARING at 7:15 p.m.</u></b></p> <p>Page 1 of 5 ZBA 2-10-15</p>

**PUBLIC HEARING COMMENTS:**

**Timothy Schipper of 3859 of England Drive:** Commented that he was surprised by the request of his neighbors to put up the six (6) foot fence, and he was not told by the neighbors that they were going to make a request. Schipper noted that the power pole is on the public right of way. The vinyl fence does not exist any more. The Schipper's took it down and replaced it with more decorative metal fencing. The items under the tarps would be summer items such as dock sections, etc. Schipper commented that they've kept their dogs quiet and apologized for having their laundry on the line a little too long. Schipper also commented that there were no other six (6) foot fences anywhere on the subdivision of England Point. All fences are open, chain link or decorative and under the four foot limit according to Schipper. Fencing on both sides of their property would block in their property and block the views from their house. Schipper commented that all the yards are pie shaped and if the fences would run from the corners of the houses to the road it would not look appropriate. Schipper believes that the 6 foot high privacy fences on both sides of their property would lower their property value. If the fences are erected, there would be only a very narrow walkway to their property which would limit access to the property and would potentially be a safety concern for access of emergency vehicles. The shed which is near the property line would be blocked in by the fences on both sides. Schipper commented that approximately one-third of the Oppenhuizen's garage sits on the road right-of-way. This was determined by a survey that the Oppenhuizen's requested. Schipper's would ask that the variance request of running the fence all the way to the road way not be granted, but basically start 15 feet back from the side of the garage. Schipper's believe that the granting of this request and the next request (Seiler's) would set an undesirable precedent for the England Point community. Schipper commented that his neighbor's (Oppenhuizen's) are certainly welcome to put a 4 foot or less open fence on their property and they ask that it be no higher than that and they also ask that they comply with the 15 foot required setback from the edge of the property.

**Janet Fricano, 3847 England Drive** (on the other side of the Oppenhuizen's). She loves the view of the lake having the most western point of England Point. She has worked to make the property a park-like setting. J. Fricano purchased the Evan's property (a fire took place at the Evan's property) as well. Fricano commented that if the fence is allowed, she will lose her view and will see nothing but the fence. Fricano also mentioned that the variance request is also a security issue. Fricano commented that what lurks behind a 6 foot fence-she doesn't know. Also, Fricano doesn't like the precedence that it sets. There are no other fences on England Point. Fricano commented that there may be other issues underlying this, but she doesn't think that fences are the right thing. She would be highly disappointed if variances are allowed over the issues discussed tonight. Fricano feels that 6 foot fences really don't fit the environment there (England Point).

**Wayne Seiler, 3865 England Drive,** - Hates to have to put up a fence, but has had to because of some of the situations that have occurred. Seiler commented that he has mentioned to the Schippers before that they had to clean their property up. Seiler commented that his property value has gone down. Seiler commented that Schipper's put a fence up without a permit and his (Seiler's) sprinklers didn't work because of the

**PUBLIC HEARING COMMENTS: ZBA 15-01-01**

John Oppenhuizen and Judy Oppenhuizen, 3853 England Drive.

fence coming in on the Seiler's property. They (Schipper's) put up a greenhouse on the property line and Seiler commented that he had to have a survey done at \$300 to show them that it was on the property line. Seiler commented that Larry Knowles, ZA came out, and wrote a letter and advised the Schippers of the proper permits and procedures that were needed. Seiler commented that 6 foot, 4 foot and chain-link fence (that the ordinance calls for) would not look nice. Seiler commented that he would rather have a nice vinyl fence up. Seiler commented that he would show the ZBA pictures of his proposed fence later in the meeting.

**Timothy Schipper**- commented that they (Schippers) moved the fences as soon as he knew of the property line, and also communicated with L. Knowles via letter on the greenhouse and the greenhouse was moved. The shed that was pre-existing on the property happens to sit on the very edge of the property line. The greenhouse was not within the 5 feet offset, it was very close and has subsequently been moved and is not anywhere close to 5 feet.

**John Oppenhuizen** – commented on the power pole being on the road right-of-way and he won't be putting a fence up against the power pole. Oppenhuizen commented that the tarps were mentioned to be covering up docks. Oppenhuizen commented that it was more than that (docks) that was there (under tarps). Oppenhuizen commented the biggest thing is the dogs which continue to bark and bark once they see someone.

**T. Schipper** – commented that the dog issue was brought to their attention and apologized for that. Schipper commented that they have made every effort since then to keep the dogs quiet and try to take the dogs with them or make sure someone is at the cottage.

**J. Fricano** – commented that the dogs are not an issue any longer. Fricano noted that the Schipper's have done a wonderful job with keeping them quiet.

**CLOSE OF PUBLIC HEARING:**

Motion by Schwennesen with support by Beukema to close the public hearing at 7:28 p.m. All ayes. MOTION CARRIED.

**BOARD DELIBERATION**

Motion by Rottschafer with support from Schwennesen to deny request for variance **ZBA 15-01-01 Parcel ID 08-16-080-032-00** by John Oppenhuizen and Judy Oppenhuizen of 3853 England Drive for reasons of not having a hardship and that allowing the variance would set a precedent in the township. **ROLL CALL:** Rottschafer: Yes, Schwennesen: Yes, Cook: Yes, Biggs: Yes, and R. Beukema: Yes. Yes: 5, No: 0. MOTION CARRIED.

**PUBLIC HEARING**

**COMMENTS: ZBA 15-01-01**

John Oppenhuizen and Judy Oppenhuizen, 3853 England Drive. (CONTINUED)

**CLOSE OF PUBLIC HEARING:** 7:28 p.m.

**BOARD DELIBERATION**

Motion to deny request for variance **ZBA 15-01-01 Parcel ID 08-16-080-032-00** Oppenhuizen's, 3853 England Drive. Motion Carried.

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**ZBA 15-01-02 Parcel ID 08-16-080-030-00 a request by Wayne Seiler of 3865 England Drive for a variance to the minimum height and setback distance from the road ROW of a privacy fence.**

Mr. Seiler presented his variance request, showing pictures of his neighbor's yard at 3859 England Drive. Seiler's presentation also included a letter from a real estate agent regarding property value. A picture of proposed fencing was presented as well.

**OPEN OF PUBLIC HEARING: 7:45 p.m.**

Motion by Beukema with support from Rottschafer to open public hearing for ZBA 15-01-02 at 7:45 p.m. All ayes. MOTION CARRIED.

**PUBLIC COMMENT:**

**Timothy Schipper of 3859 England Drive**, commented that he has not seen the pictures and he was not aware of when they were taken. They have continually been picking up the property as they have been requested to do by the Seilers. Schipper commented the fence (if installed) would be almost on top of the Schipper's utility shed and basically block meter access for the meter reader and make servicing difficult.

**Janet Fricano of 3847 England Drive** – supported what T. Schipper just said and commented that she has the same comments and issues as earlier stated in the first variance request public hearing this evening.

**Wayne Seiler** commented that the issue of security is still there because of the building being there and you can't see through the building.

**CLOSE OF PUBLIC HEARING: 7:50 p.m.**

Motion by Rottschafer with support from Schwennesen to close the public hearing for this variance request at 7:50 p.m. All ayes. MOTION CARRIED.

**BOARD DELIBERATION**

Motion by Rottschafer with support from Schwennesen to deny request **ZBA 15-01-02 Parcel ID 08-16-080-030-00** based on lack of hardship and setting precedence. ROLL CALL: Rottschafer: yes, Schwennesen: yes, Cook: yes, Biggs: yes, Beukema: yes. Yes: 5, No: 0. MOTION CARRIED.

**ZBA 15-01-03 Parcel ID 08-16-006-001-00 a request by Gary Cole for a variance to the minimum parcel size requirement at 1000 N. Patterson Rd., Wayland, MI**

Zoning of the parcels of Mr. Cole were discussed. Discussion occurred regarding a possibility of zoning correction or the need for re-zoning.

Mr. Cole presented his request and voiced his concern with the tax roll and also commented he doesn't want to have more property to take care of.

**ZBA 15-01-02 Parcel ID 08-16-080-030-00 a request by Wayne Seiler of 3865 England Drive**

**OPEN OF PUBLIC HEARING: 7:45 p.m.**

**CLOSE OF PUBLIC HEARING: 7:50 p.m.**

**BOARD DELIBERATION**

**ZBA 15-01-03 Parcel ID 08-16-006-001-00 a request by Gary Cole for a variance to the minimum parcel size requirement at 1000 N. Patterson Rd., Wayland, MI**

**OPEN OF PUBLIC HEARING: 8:02 p.m.**

Motion by Biggs with support from Rottschafer to open public hearing at 8:02 p.m. All ayes. MOTION CARRIED.

**NO COMMENT**

**CLOSE OF PUBLIC HEARING: 8:03 p.m.**

Motion by Rottschafer with support from Schwennesen to close the public hearing for this variance request at 8:03 p.m. All ayes. MOTION CARRIED.

**BOARD DELIBERATION –**

Motion by Rottschafer with support from Schwennesen to deny variance request **ZBA 15-01-03 Parcel ID 08-16-006-001-00 a request by Gary Cole** to the minimum parcel size requirement at 1000 N. Patterson Rd., Wayland, MI based on lack of hardship and to refer this row of zoning to the Planning Commission to look at properly zoning into rural residential. ROLL CALL: Rottschafer: Yes, Schwennesen: Yes, Cook: Yes, Biggs: Yes, and R. Beukema: Yes. Yes: 5, No: 0. MOTION CARRIED.

**OLD/OTHER BUSINESS:**

C. Biggs commented that he doesn't have a problem being the alternate or a full voting member of the ZBA.

Motion by M. Cook with support from Rottschafer to have Jake Welch as full voting member and Chuck Biggs as the alternate of the ZBA. ROLL CALL: Rottschafer: Yes, Schwennesen: Yes, Cook: Yes, Biggs: Yes, and R. Beukema: Yes. Yes: 5, No: 0. MOTION CARRIED.

**VOTING OF OFFICERS:**

Motion by C. Biggs with support from Rottschafer to elect Mary Cook as ZBA Chairman, Jake Welch as Vice-Chairman and Al Schwennesen as Secretary. All ayes. MOTION CARRIED.

Discussion occurred regarding zoning issues and variance requests. Rich Beukema will be taking information from this evening's meeting to the Planning Commission.

**ADJOURNMENT:** It was motioned by Schwennesen and seconded by Welch to adjourn at 8:24 p.m. Approved by all.

Respectfully submitted:

Deb Mousseau  
Recording Secretary  
2-14-15

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

Approved April 14, 2015 as presented

**OPEN OF PUBLIC HEARING: 8:02 p.m.**

For ZBA 15-01-03 Gary Cole at 1000 N. Patterson Rd., Wayland, MI

**NO COMMENT**

**CLOSE OF PUBLIC HEARING: 8:03 p.m.**

**BOARD DELIBERATION**

Motion to deny variance request **ZBA 15-01-03 Parcel ID 08-16-006-001-00. MOTION CARRIED.**

**OLD/OTHER BUSINESS**

Motion to have J. Welch as full voting member and C. Biggs as alternate. MOTION CARRIED.

**Voting of Officers**

**ADJOURNMENT**

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