

<p style="text-align: center;"> <b>YANKEE SPRINGS TOWNSHIP  ZONING BOARD OF APPEALS  MEETING  <u>Tuesday, March 8, 2022</u>  6:00 PM  Yankee Springs Township Hall  284 North Briggs Road, Middleville, Michigan 49333</b> </p> <p style="text-align: center;"><b>FINAL MINUTES</b></p>	<p style="text-align: center;"> <u>MINUTES</u>  Page 1 of 3  ZBA Meeting  March 8, 2022 </p>
<p>Meeting called to order at 6:02 PM by John Frigmanski</p> <p><b>Roll Call:</b> Present: Dave VanHouten, Ron Heilman, John Jerkatis, Michael Boysen, John Frigmanski.</p> <p><b>PLEDGE OF ALLEGIANCE</b></p> <p><b>Staff Present:</b> Sandy Marcukaitis, Mark Thompson, Eric Thompson, Rob Heethuis, Mike Cunningham</p> <p><b>Visitors:</b> 7</p>	<p style="text-align: center;"><b>CALL TO ORDER</b></p> <p style="text-align: center;"><b>ROLL CALL</b></p> <p style="text-align: center;"><b>PLEDGE OF ALLEGIANCE</b></p>
<p><b>REPORTS FROM REPRESENTATIVES:</b></p> <p><b>Planning Commission:</b> No report.</p> <p><b>Board of Trustees:</b> Dave VanHouten, Board Trustee: Henika Library is going to be on the ballot August 2 and Delton Kellogg on the ballot May 3. We reviewed all the committee reports, reviewed the plans for the renovation, and extended the application for Shalinda Plat one more time for one more year.</p>	<p style="text-align: center;"><b>REPORTS FROM REPRESENTATIVES</b></p>
<p><b>INQUIRY ON CONFLICT OF INTEREST:</b></p> <p>Frigmanski inquired if there are any conflict of interest with the board regarding tonight's request. There are none.</p>	<p style="text-align: center;"><b>CONFLICT OF INTEREST</b></p>
<p><b>APPROVAL OF MINUTES:</b></p> <p><b><u>Motion by VanHouten with support from Heilman to approve the February 8 ZBA meeting minutes.</u></b> All ayes. MOTION CARRIED</p> <p><b><u>Motion by Heilman with support from VanHouten to approve the January 26 Joint meeting minutes.</u></b> All ayes. MOTION CARRIED</p>	<p style="text-align: center;"><b>APPROVAL OF MINUTES</b></p>
<p><b>NEW BUSINESS:</b></p> <p><b>ZBA 22-03-03 Parcel ID 16-120-005-00</b> A request by Julie Fox of 11066 Hastings Point Rd., Middleville, for variance relief to allow for the construction of an addition to a boat house that fails to meet the required setbacks.</p> <p><b><u>Motion by Heilman with support from Boysen to open the public hearing at 6:06 PM.</u></b> All ayes. MOTION CARRIED</p> <p><b>Discussion:</b> The property at 11066 Hastings Point Road currently has a small boat house which is not aesthetically pleasing from any angle so Ms. Fox wants to update it. It is her opinion that</p>	<p style="text-align: center;"><b>NEW BUSINESS</b></p> <p style="text-align: center;"><b>ZBA 22-03-03 Parcel ID 16-120-005-00 REQUEST BY JULIE FOX</b></p>

putting up the pergola on the rooftop of the boat house would be a less intrusive solution than umbrellas, etc., which would interfere with the views.

Eric Thompson: They can make alterations to the structure, but any enlargement does require a variance so what we are looking at today is the eave and specifically the pergola. The cosmetic improvements are permitted. It is believed the boat house was constructed in the 60's (prior to being against the zoning) so it is a legal non-conforming structure. Changing the height of the railing would be permissible.

Questions were asked and answered by Eric Thompson of PCI, the ZBA members, the architect, Rhyse Altman, and Julie Fox.

The following township residents spoke in opposition to granting the variance.

- Cara Donovan Schulte (11056 Hastings Point Road) presented photographs taken from her property and stated her opposition to increasing the size of the boat house. Blocking the view of the lake is very concerning as that is the whole value of living on the lake. The structure currently sits directly on the property line so adding eaves would cause the water to drain onto her property.
- Gary Roberts (11033 Hastings Point Road) bought his house for the view and the sunset and this is an important part of having the property. He is not in favor of the building being allowed to be any higher than it currently is.
- Sheree Newell (11020 Hastings Point Road). The structure currently does not impede the view but if it goes up higher it will so she is not in agreement with the structure being allowed to be any higher. She would not have an issue with a higher railing as long as it is a type that does not block the view.

Emails from the following residents were read into the record (copies attached): Gary Roberts, Emil Przeklasa, and Jon Merchant. All were opposing the approval of the variance.

**Motion by Heilman with support from Boysen to close the public hearing.** All ayes.

MOTION CARRIED

**John Frigmanski read the Practical Difficulty Standards and each standard was considered. 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

**PRACTICAL  
DIFFICULTY  
STANDARDS**

observed, public safety secured, and substantial justice done (not to 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).

*Board deliberations took place.*

*Motion by Heilman with support from Jerkatis that we deny the variance based on the fact that we have no criteria of all six practical difficulties and the fact that it changes the structure from non-conforming to make it more non-conforming.* Discussion: The building can be improved and maintained without increasing the height. **Roll Call Vote:** VanHouten: yes; Heilman: yes; Jerkatis: yes; Boysen: yes; Frigmanski: yes.

Yes: 5, No: 0. MOTION PASSED

**OLD BUSINESS:**

Frigmanski is going to ask the PC to put it on the agenda to discuss changing the side setbacks from the current 5' from the property line to the eaves to a new standard of 5' from the property line to the foundation.

Heilman would like to see a joint meeting at least twice or even three times a year so that if there are issues, we can bring them up.

**ADJOURNMENT:**

*Motion by Heilman with support from Boysen to adjourn meeting at 7:03 PM.* All Ayes, MOTION CARRIED.

Approved by:   
Ron Heilman, ZBA Secretary

Date: 05/19/2022

Respectfully submitted by:  
Betsy Frigmanski, Recording Secretary  
March 11, 2022

MOTION TO DENY  
REQUEST FOR  
VARIANCE RELIEF

OLD BUSINESS

ADJOURNMENT