

<p style="text-align: center;"> <b>YANKEE SPRINGS TOWNSHIP</b>  <b>Yankee Springs Township Hall</b>  <b>284 North Briggs Road, Middleville, Michigan 49333</b>  <b>ZONING BOARD OF APPEALS</b>  <u><b>Public Hearing (s)</b></u>  <u><b>Minutes</b></u>    <u><b>Thursday, March 12, 2013</b></u> </p>	<p style="text-align: center;"> <b>FINAL MINUTES</b>  <b>Approved June 11, 2013</b> </p>
<p>Meeting called to order at 7:00 PM.</p> <p>Roll Call: Present: S. Havens, P. Jansens, M. Cook, R. Beukema, C. Biggs.</p> <p>PLEDGE OF ALLEGIANCE</p> <p>Staff Present: Sandy Marcukaitis, Jim Orr, Constable, and Larry Knowles, Interim Zoning Administrator.</p> <p>Visitors: 15 (not including staff present).</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</b></p>
<p><b>MOTION TO APPOINT MEETING CHAIRMAN AND RECORDING SECRETARY:</b></p> <p>Motion by M. Cook with support from R. Beukema to appoint Patrick Jansens as Meeting Chairman and Chuck Biggs as Meeting Recording Secretary. All ayes. MOTION CARRIED.</p>	<p>Motion to appoint Patrick Jansens as Meeting Chairman and Chuck Biggs as Meeting Recording Secretary. MOTION CARRIED.</p>
<p><b>APPROVAL OF MINUTES:</b></p> <p>Motion by C. Biggs with support from S. Havens to approve minutes of November 12, 2012 as presented. All ayes. MOTION CARRIED.</p>	<p style="text-align: center;"><b>APPROVAL OF MINUTES</b></p> <p>Motion to approve minutes of November 12, 2013 as presented. MOTION CARRIED.</p>
<p><b>NEW BUSINESS</b></p> <p><b>ZBA 13-03-01 Parcel ID 210-008-10</b> A request by Karl and Debbie Higgins for a variance to allow a house addition within the non-conforming lakeside setback at 1124 Lynn Ave., Middleville, MI.</p> <p>Jim DeVries with Rivertown Homes by Design was present to represent the Higgin's. J. DeVries explained the reason for the variance request.</p> <p>M. Cook read the Practical Difficulty Test.</p> <p>DeVries noted that the house is sitting on approximately 18 feet of mush. Additional bearing weight cannot be put on it. The addition must be built off to the side. DeVries also noted that the addition didn't further the non-conformity. Per DeVries, former Zoning Administrator, R. Lippert contacted the township attorney.</p>	<p style="text-align: center;"><b>NEW BUSINESS</b></p> <p><b>ZBA 13-03-01 Parcel ID 210-008-10</b> A request for a variance to allow a house addition within the non-conforming lakeside setback.</p> <p style="text-align: right;"> Page 1 of 4  YST ZBA  3-12-13 </p>

(Higgins Case Continued)

The attorney felt they should go through the ZBA process. That is why the Higgin's and DeVries are present at the meeting. DeVries also noted that there would be no obstruction of view on the south side. The only blockage would be side view of the neighbor. House currently sets 5' into setback will only set 4' into the setback..

Reviewing the request, M. Cook noted the hardship was that the soil could not handle the additional weight by making it a two-story.

Also, the distance from the lake to the corner of the existing house is approximately 30'.

M. Cook commented that the old house is staying and just the lakefront will change by going back (one) 1 foot further pulling away from the lake.

M. Cook added that the reason for the non-conformity is that it can't meet current average (setback) from either side. It would become unbuildable. Lot is wider than it is long, and the proposed building will not exceed lot coverage requirements.

Patrick Jansens, Chair, checked with the ZBA members, and all members acknowledged that their questions had been answered.

**PUBLIC COMMENT: None.**

Motion by M. Cook with support from C. Biggs that the ZBA finds that the practical difficulty in this case **ZBA 13-03-01** is the existence of the house as it sits currently without footings down to the bedrock makes it impossible to go up, and requires it (the addition) to go out, but in the process of going out, it will lessen the non-conformity they have already by 1 foot being no closer than 31 feet to the lake and that all other applications of the ordinance will stand without being touched.

Petitioners will meet all of their setbacks in lot coverage requirements and since this is lessening the non-conformity, the ZBA will move to approve this. ROLL CALL:

Beukema: yes, Cook: yes, Havens: Yes, Biggs: yes, Jansens: yes. All Yes (5).

MOTION CARRIED.

**Next item of business:**

**ZBA 13-03-02 Parcel ID 045-003-10** A request on behalf of Ron Packer for a variance on the 50% grade coverage requirement for a walk-out basement and also a variance on the lakeside setback to enable construction of a new house at Barlow Lake Road and Park "A" of the Arhana Crest Subdivision.

Daniel Stephan, Builder, represented Ron and Robin Packer. D. Stephan commented that the hardship is the size of the lot that the Packers would like to build on. The other two houses next to the lot have a 71 foot and 60 foot setback making the average setback 65 feet.

Sixty-five feet would take the Packers back to a non-buildable spot. The house itself would be 46 feet from the water and the deck would be 38 feet from the water. The deck is an upper level deck.

D. Stephan commented that all footages were approved with R. Lippert. Stephan also mentioned that the contour of the lot slopes off very quickly. It is nearly impossible to

**PUBLIC COMMENT: None**

**ZBA 13-03-01 Request  
Approved. (Higgins)**

**NEW BUSINESS continued**

**ZBA 13-03-02 Parcel ID 045-  
003-10**

do a full basement there.

**PUBLIC COMMENT:**

**Bob Cisler, of Perch Cove,** pointed out a question on variance on the sides.

**Kathy DeLeeuw, of Arhana Crest,** voiced concern about the retaining wall. She didn't know what it was made of or how high it was going to be.

The builder replied that the daylight basement would be a natural contour with a walkout. The retaining wall would be just from the corner of the house out. The size of the house would be 1,070 square feet. The retaining wall would be on both sides.

**Brad Harmon, of Friendship Ct.,** commented that it was a big concern for the neighbors because it is a big change in the neighborhood.

Harmon mentioned that Dixie Schultz (another neighbor) was concerned about driving across her property and how the road will be built. Parking is another concern.

The builder commented that he would not be building a dam that would stop the water flow. He is use to drainage and elevation and so forth, citing another major retaining wall project he had built in the same area.

Stephan also mentioned to Mrs. Schultz that if she would like she could have an attorney write up a permission letter for temporary use of her property. Parking was discussed as well. The Packer's would be using the garage.

**The public portion of this meeting was closed at 8:10 p.m.**

M. Cook mentioned that the 8'9" off easement to park needs to be 10 feet. The builder said he will move this to accommodate. Cook commented that she didn't think 38 feet to the lake was unreasonable.

The builder, D. Stephan, mentioned that he went through a lot of redesigning to meet requirements. They are still below height requirements as well. The 50% coverage and size of lot have been the obstacles. Drainage issues were addressed. The water would be retained on the proposed project property. It was also commented that on a slope of land the more you cover up, the dirt comes up higher. The builder remarked that a gradual grade change on both sides will enhance this.

Motion by M. Cook with support from R. Beukema to grant variance on lakefront setback.

- The ZBA finds that there is a hardship measuring distance on this lot because of skewed setback averages of the 6 measured properties.
- 3 are vacant; one is an alley; and 2 have homes sitting to the rear of the lots with one encroaching on the easement.
- This will set the tone on distance of building on future lots.
- The approved lakefront variance is for 38 feet to the high-water mark.

ROLL CALL: Beukema: yes, Cook: yes, Havens: Yes, Biggs: yes, Jansens: yes.  
All Yes (5). MOTION CARRIED.

(Packer Case continued)  
Public Comment

**PUBLIC COMMENT  
CLOSED**

Motion to grant variance on lakefront setback. ZBA 13-03-02 Parcel ID 045-003-10. MOTION CARRIED. (Packer Case)

Page 3 of 4  
YST ZBA  
3-12-13

Packer Request Continued to Page 4 ...

Motion by M. Cook with support from S. Havens to grant variance on the 50% grade coverage requirement for a walk-out basement.

The ZBA recognizes purpose of ordinance in 50% coverage of daylight basement and believes that the dirt and retainage-walls needed for the 50% will cause a drainage problem. The only kind of construction that can occur here is a walk out, due to the topography of the land.

The 36% coverage request is granted because it will reduce the need of retaining walls and will reduce and control drainage and run off to neighboring properties.

All drainage is expected to remain on the proposed project property.

All other requirements must be met.

**OLD BUSINESS:**

Discussion took place regarding a new member joining the ZBA. It was decided that this determination is expected to occur at the end of the month. The current ZBA will wait until then to discuss elections.

Motion by M. Cook, support by S. Havens to adjourn at 8:43 PM. Approved by all.

Respectfully submitted:  
D. Mousseau  
Recording Secretary 3-16-13

Approved Date: 4-03-13 (M.C.)  
By: Janice C. Lippert, Clerk  
Final Approval June 11, 2013

Motion to grant variance on 50% grade coverage requirement. ZBA 13-03-02 Parcel ID 045-003-10. MOTION CARRIED.

**OLD BUSINESS**

New member appointment & Election of officers

**ADJOURNMENT**

Page 4 of 4  
ZBA 3-12-13 Public Hearings