

YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
Tuesday, July 9, 2024
6:00 PM
Yankee Springs Township Hall
284 N. Briggs Rd., Middleville, MI 49333
DRAFT MINUTES

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ZBA Meeting
July 9, 2024

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Meeting called to order at 6:00 PM by John Frigmanski

Roll Call: Dave VanHouten, Ron Heilman, John Frigmanski, Tom Mawson, Mike Boysen (All Present)

Absent with Notice: Jake Welch

Staff Present: Sandy Marcukaitis, Rob Heethuis (attending as township resident), Frank Fiala, Dennis Buist, Joe Shea

Visitors: 12

PLEDGE OF ALLEGIANCE

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Mr. Frigmanski inquired if all appropriate notifications and publications of this meeting had been made and Mr. Shea confirmed that that had been done.

REPORTS FROM REPRESENTATIVES:

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Board of Trustees: Mr. VanHouten gave the following updates:

- Blood drive will be held on Thursday, July 11, at the Fire Station.
- Renewed the MTA annual membership.
- Approved the appointment of Sally Smith to the Gun Lake Improvement Board.
- Approved some land divisions and amended a PUD for Bay Pointe.
- Renewed 2024/2025 insurance policy.

Planning Commission: Mr. Frigmanski shared the following:

- Developing a questionnaire to the general public for input on the Master Plan.
- Discussion regarding use of shipping containers in the township, including reviewing information from other townships on their regulations. Currently shipping containers are not mentioned in the ordinance.

INQUIRY ON CONFLICT OF INTEREST:

CONFLICT OF INTEREST

Mr. Heilman inquired if there are any conflicts of interest with the board regarding the case on tonight's agenda. *Roll Call: VanHouten: none; Heilman: none; Frigmanski: none; Mawson: none; Boysen: none.*

APPROVAL OF MINUTES:

APPROVAL OF MINUTES 06/11/2024

Motion by Heilman with support from Boysen to approve the minutes from June 11, 2024

meeting. All ayes. MOTION CARRIED.

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NEW BUSINESS:

ZBA 24-06-03 Parcel ID 16-030-003-10 2737 Russell Drive and Parcel ID 16-030-003-00 2751 Russell Drive, Wayland, MI 49348

ZBA 24-06-03 Parcel ID 16-030-003-10 and Parcel ID 16-030-003-00 Appeal by Benjie Vista

The owner of the properties, Benjie Vista, is appealing from the decision of the Zoning Administrator denying his application for commercial short-term rentals at the above addresses.

Mr. David Tripp, attorney representing Mr. Vista and also a resident of Yankee Springs Township, spoke on behalf of Mr. Vista. He provided Board members with a written report of the information that he discussed. Mr. Tripp described the purchase of the properties by Mr. Vista and his reasons for his view that the decision of the Zoning Administrator should be reversed and Mr. Vista granted STR permits for these two properties. Mr. Tripp also stated that he had not been able to view the updated ordinance on Municode and that creates a problem with the publication of the ordinance.

Mr. Benjie Vista, the property owner, spoke and shared that he had been assured by Eric Thompson of PCI prior to purchasing the properties that there was no problem to use them as short-term rentals and that is what the purchase and the mortgage on the properties was based upon. After permits were applied for and checks were cashed, Mr. Vista went ahead with investing in the properties for the short-term rental use. He feels that the denial of the permits is inconsistent with the ordinance that says if you had permits prior to 2024, you would be able to have those permits issued in 2024.

Mr. Joe Shea, Zoning Administrator: This is the first that was heard about Mr. Tripp being involved and he would have liked to have time to review the information prepared by Mr. Tripp. Based on the fact that an attorney is involved, his opinion is that the Board should table this until the next meeting and consult with their own attorney.

Regarding the parcel that has two properties, even if they were two separate lots, 2753 would not be allowed to have a permit under the ordinance as no new STRs are allowed in that zoning district.

The township does not have control over when Municode updates their information. The ordinance is published on the Township website.

Two of the three permits that were issued in 2023 should not have been issued and they were in error. Even before the amended ordinance there was only one unit allowed per parcel. The ZA does not have the authority to deviate from what is stated in the ordinance.

Mr. Frigmanski explained that the ZBA is only here to adjudicate this case and not to discuss the ordinance in general and inquired if anyone wished to speak during public comment.

Public Comment:

None

Motion by Heilman with support from Boysen to table until next month. Roll Call Vote:
Boysen: yes; Mawson: yes; Frigmanski: yes; Heilman: yes, VanHouten: no.

**MOTION TO TABLE
THE APPEAL**

Yes: 4, No: 1. MOTION CARRIED

Discussion took place among the board members and whether the mistake that was made should be honored. Mr. Shea will ask the Township Attorney's advice on this. Mr. Heilman pointed out that all the proper notices were made that the ordinance was being amended. Only those properties that were **legally entitled** to permits in the past were intended to be grandfathered in. There are properties in that area that are properly permitted for STR and some that are not. Whispering Pines Resort is zoned Resort Recreation so that is a different matter. Per the current ordinance, one of the reasons that a permit can be revoked is when the property changes ownership. The ordinance that does not allow two dwellings on one property was in place in 2021, prior to the property owner's purchase. These homes were built many years ago (prior to zoning regulations). Further discussion will take place after the attorney has been consulted.

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OLD BUSINESS:

OLD BUSINESS

Mr. Frigmanski attended a ZBA class where it was stated that when letters and input are received from neighbors this information should be included in the decision-making process of the Board.

PUBLIC COMMENT (limited to 3 minutes):

PUBLIC COMMENT

None.

ADJOURNMENT:

ADJOURNMENT

Motion by Heilman with support from VanHouten to adjourn the meeting at 7:09 PM. All ayes. MOTION CARRIED.

Approved by: _____ Date: _____
Ron Heilman, ZBA Secretary

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
July 10, 2024