

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES Joint Meeting Of <u>Board of Trustees, Planning Commission and Zoning Board of Appeals</u> <u>At 6:00 p.m.</u> <u>Monday, February 12, 2018</u> Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 </p> <p style="text-align: center;">MINUTES</p>	<p> FINAL MINUTES Page 1 of 8 YST Joint Meeting 2-12-18 Circulate : 2-23-18 Attach PC Annual ZBA Annual Report 2017 Bd Approved 3/8/2018 </p>
<p>Meeting called to order at 6:03 pm by Supervisor Mark Englerth.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p>Roll Call: <u>Board of Trustees</u>: Present: A. Jansma, J. Lippert, M. Englerth, M. Boysen, S. VandenBerg.</p> <p><u>Professional Planner</u> - Rebecca Harvey</p> <p><u>Planning Commission</u>: C. Strickland, S. VandenBerg, Greg Purcell (<u>via remote participation</u>), F. Fiala, T. Knowles, R. Beukema. <u>Absent with notice</u>: Paul Heystek</p> <p><u>Zoning Board of Appeals</u>: J. Welch, C. Strickland, T. Delamar, D. VanHouten, J. Frigmanski. <u>Absent with notice</u>: Ron Heilman</p> <p><u>Constable</u>: Chuck Biggs</p> <p><u>Visitors</u>: (2) Christian Yonkers, Larry Knowles</p> <p><i>Full audio recording of this meeting which is to accompany the written minutes (for this meeting) has been downloaded and is accessible at the Township's website: www.yankeespringstwp.org under "2.12.18 Joint Meeting".</i></p>	<p>CALL TO ORDER</p> <p>PLEDGE</p> <p>ROLL CALL</p>
<p>REPORTS:</p> <p><u>ZBA</u> –<i>Jake Welch</i> – Reviewed the ZBA report – (It was noted that the Objectives on the report should be for 2018 rather than 2017). (Report attached to minutes).</p> <p><u>Planning Commission Report</u> – <i>Rich Beukema</i> reviewed the Planning Commission report – (PC report attached).</p> <p>J. Lippert (Clerk) commented that item #6 regarding nuisance complaints and rentals on the PC report- has been an issue on the complaint register since 2010.</p> <p>F. Fiala (PC) commented that three (3) terms for individuals on the Planning Commission have expired. M. Englerth commented that if no one is reappointed, the current members continue to go on in their positions on the PC until reappointment occurs.</p> <p>John Frigmanski (ZBA) commented on the Veterans Memorial and posting the names of the deceased who died in combat (that were township residents). Also, it was noted that it would be good to have space for future names to be added. Frigmanski commented that it has been six years since the memorial started and it needs to be done. Frigmanski also confirmed that metal recycling funds were to go to the Veterans Memorial. Frigmanski also commented that ordinance violators should pay a price.</p>	<p>REPORTS FROM ZBA & P.C.</p>

Dave VanHouten (ZBA) commented on following a chain of command. Dave VanHouten commented on following Robert's Rules of Orders in meetings. D. VanHouten commented that things shouldn't get out of control in the meetings. He commented "You don't air everything out in public. I think it's improper. And to allow that to happen to the degree it's going on, I think it's improper". D. VanHouten encouraged talking to someone before the meeting and trying to handle things outside of the meeting, if possible.

Jake Welch (ZBA Chair) commented referring to R. Heilman's list of items to be mentioned at this meeting:

1. Who requests the attorney and planners presence at meetings – what criteria is required to secure them and notice given?
-J. Welch felt it was wise to know the process or be part of the process for #1.
2. Zoning Administrator needs to notify ZBA at least 2 -3 weeks prior to appeal with all necessary paperwork to visit site.
-J. Welch commented that he feels the notice has been fine. R. Harvey did present information just prior to a meeting and possibly this is was R. Heilman was referring to.
3. Zoning Administrator should include a blueprint (one story or two- location on lot etc.)
-J. Welch commented that he felt #3 was provided most of the time.
4. Zoning Administrator doesn't need to (or my feeling) shouldn't give his opinions on: Practical Difficulty. The ZBA will consider and decide the issues. Adding his input will sometimes confuse the applicant and could open a door for legal actions not adopted by the board.
-J. Welch remarked that he wasn't going to comment on all of R. Heilman's items.
5. Create an oversight team to address township complaints. Example: Noise from summer rental houses at all hours of the day or night. (Possibly two or three deputized under the sheriff like the posse group.) Warn – then ticket. Likewise for land owner regarding incidents.
6. Zoning Questions to the township should be directed to the Zoning Administrator without comment or advice.
7. Tri-Board Meetings three to four times annually.

J. Welch commented the he (J. Welch) felt communication could be improved. "Even as simple as to when the meetings are -should be communicated a little better," added J. Welch. Welch commented on working on trying to get a format for ZBA meetings. Welch noted a lot of other communities have a checklist or document to take each case/scenario through and he feels the ZBA is getting close to having this.

R. Beukema (PC) commented that he'd like to encourage all members that this (being on a board) is service to the community. Beukema commented on being a democracy and every decision we make has to be some kind of compromise. He encouraged those in attendance to respect and trust one another and compromise and work for the common good.

C. Strickland (PC & ZBA) commented that she was basically pretty happy. She realizes there is some cleaning up to do with the ordinance. C. Strickland commented that she'd like to compliment PCI on preparation of paperwork. C. Strickland also complimented Rebecca Harvey who prepares the report. It was noted that R. Harvey works with Eric Thompson of PCI who takes care of the deadlines/posting (of Public Hearings) as well as performing Zoning Administration.

F. Fiala commented on the board(s) diversity adding to "hold that diversity together." Fiala felt that everyone should have their say. Fiala commented that the goal on the back end would be to work toward a consensus and if that can't happen then go with a majority vote. Personal attacks or inappropriate things should be shut off at the get go. Fiala also noted that how we present ourselves to other organizations that we work with is very important. Fiala also added that it's also important to develop some kind of a professional relationship with them (other groups/entities).

Greg Purcell (PC Chair) commented that it would be good if we could hold some kind of a strategic planning session after this meeting, and try to prioritize the projects and ideas that have been shared this evening. Prioritizing the items could be used as a guide for time and energy of those involved in the Township Board, ZBA and Planning Commission.

Board Members:

J. Lippert commented she would like a gray area in the township ordinance regarding parking to be addressed. J. Lippert also mentioned Robert's Rules of Orders and Rules of Engagement that "we should all be abiding by." Lippert also noted the ZBA heard 8 cases (in 2017)- 4 approved, and 4 denied. Lippert commented that the township reports these figures to the insurance company. J. Lippert asked R. Harvey, "How are we standing?"

R. Harvey, Professional Planner, commented that the fewer variances granted shows that the ordinance is written usually in such a way as the community wants to operate. Harvey commented that the ZBA board has to examine if the variance requests are concentrated in one area of the ordinance. If there is a concentration, it's a sign to the legislative board, the PC. In looking at the eight (8) cases of the ZBA, R. Harvey feels that the variance requests in her first reaction were across the board, so the ZBA should not be alarmed by that. Harvey feels it is good for the PC to see the ZBA's meeting minutes. Any training session would inform participants that the criteria that courts have handed down regarding ZBA decisions shows about 5% of ordinances are granted. "Most of the variances that come before them are not going to meet the

standards and are probably going to be denied, commented R. Harvey. R. Harvey also noted that when the (ZBA) sees that requests are reasonable, and the standard is unreasonable, that's when the ZBA should turn to the PC. "The variance isn't warranted, but change the standard," added R. Harvey. Harvey noted, "A ZBA just has to get use to applying one (standard) and feeling comfortable with saying "no"... The more you say 'yes' when it is not warranted, you begin to invalidate your ordinance."

J. Lippert commented "We copy the ZBA minutes to everyone on the Boards and hard copies are put into mail boxes for those without an email." Lippert added that the same thing is done for the Planning Commission, the professional planner and the attorney. All minutes are available on the website. "We can't destroy the ZBA minutes. They are a matter of record to be kept forever," added J. Lippert.

A. Jansma (Treasurer) commented that she would like to talk about a strategic plan. A. Jansma commented that searching through township documents, she couldn't find a mission statement. Jansma feels a mission statement is needed. Jansma agrees with John Frigmanski regarding the Veterans Memorial adding that the township has had four Veterans Memorial committees that have backed out due to lack of progress. A. Jansma commented on Policies. "The policies here are resolutions. Marge and I have been looking, trying to get all the resolutions together so we can talk about what our Policies and Procedures are. Just because somebody did it last week or a year ago doesn't make it policy," commented A. Jansma.

S. Vandenberg (Trustee): commented on agreeing with A. Jansma on policies and procedures. S. Vandenberg feels that it could be cleaned right up and it's an excellent suggestion. S. Vandenberg would like to buddy up with M. Boysen and spear head work on the walking paths project. It would be just the two of them and they would report back to the board on it.

M. Boysen (Trustee) commented on a lot of support from the community on the walking paths. Boysen commented on adopting Frank's (Fiala) program on investing in something; fixing something. Boysen will be working with Vandenberg on walking paths.

M. Englerth (Supervisor) commented that a generation ago they did the M-179 Overlay District. It was a great first step and fit at the time. Englerth commented that he wasn't so sure it fits too well today. The overlay district was patterned to what can be seen in Richland. Englerth also mentioned a former project, the Gun Lake Overlay District that needs to get reviewed, noting that it was "kind of a success and kind of a failure". Englerth also mentioned rental property and an ordinance of the township- not zoning - "simple disturbing the peace" with Orangeville township and enforcement would be shared with them as well.

D. VanHouten - commented that only 5% of the applications to go the ZBA should be approved, "that's almost a rubber stamp "NO" (referring to R. Harvey's comment earlier in the evening)." That seems too restrictive to D. VanHouten and that it's not quite black and white- referring to lake lots.

Rebecca Harvey commented that (D. VanHouten's) reaction "tells you the ordinance has a problem... When you question the reasonableness of a standard that is your indication that the standard needs to be reviewed. I'm not saying that your standard needs to be changed. That's up to the legislative side of it. The ZBA is quasi-judicial and your job, only, is to determine if those standards have been met. The Township, me, the ZBA, the PC, we did not create the standards; so it's not really at your leisure to decide, for the ZBA to say, 'we should apply different standards or we should apply...?.. standards sometimes.'" R. Harvey also commented that it's not up to the ZBA to start "righting the wrongs of what you as a ZBA member might think the standard is." "Even if the ZBA didn't say, turn to the PC and say look we're having some trouble with this, we think it warrants your attention." R. Harvey also commented, "The last thing a township wants is for a court to overturn the ZBA."

D. Van Houten inquired, "So if we feel strongly that there's some type of injustice, then we refer it back to the Planning Commission? And how long would it take the PC to make the decision? This individual is ready to dig a basement or start construction."

R. Harvey commented that it is tough being a ZBA member and saying 'NO' to someone. It's not the job of the ZBA to facilitate the projects. I know that it feels that way. Is that they are coming to you looking for a solution... Your first gut reaction is to try and solve the problem. That's not your job... If you want to do that, then you've got to move over to the PC. Your job (ZBA) is to sit there and look at the criteria and say, 'Does it meet it or not? And it's not my problem that he is ready to build his basement right now'.... So talk about the justness and the fairness - what about the person who has changed their plans to comply? And now you're moving it for someone because it's not what they wanted to do or it's more expensive or they don't have time to go through the process. You know that's not fair either. So if your mindset is, 'I want to work at making fair and just standards', then you move over to the side writing the standard, -that's not your job (ZBA)."

M. Englerth commented on discussing granny flats (on PC) and one day he put Mr. Purcell (of PC) in the truck and 2½ hours they drove around and asked, "Is that one (granny flat)?, Is that one? Is that one? ... so I think until you've got a really great feel for the uniqueness of the community... If you had all your subdivisions built within 20 years, and they were all 60 ft x 120, and the streets were a certain width, with no alleys or they all had alleys- depending. But there is no consistency in Yankee Springs..." Englerth commented on taking R. Harvey on a tour of Yankee Springs to show the inconsistencies.

Rebecca Harvey commented on the Planning Commission and Township Board sitting down and asking "What is the wisdom of creating a standard that 80% of our properties cannot meet? Is that how we want to do it? The PC doesn't turn to the ZBA and say, 'What do you think about that?' - because it doesn't matter what they (ZBA) think. What you guys are having to decide is 'Is that what we want? Maybe what we have to do is approach this differently' and then you roll up your sleeves and then you start doing all of the great things that PCs and Township Boards do that they can be creative in writing those standards. But the poor ZBA doesn't get to engage in that."

Englerth commented on looking at the numbers of attorney and planning fees. Englerth commented on the complexity and struggles of zoning districts in the township, “and even if we dumped twice as much money in it administration-wise, you’re still going to be left with the same struggles...” Englerth also mentioned his 40 years in the construction business and dealing with zoning in townships, villages, cities, etc. Englerth commented that there are no easy solutions, but you do the best you can.

Jake Welch – commented on being on the ZBA for three years. Welch commented that he knew R. Harvey has not been in agreement of the decision making (of ZBA) at the end of the meetings in the past. J. Welch commented on being outvoted 4 to 1, or being part of the 4, and decisions being voted on 3 to 2, etc. “I think our board (ZBA) had done a phenomenal job of being reasonable within this community and I despise the 95% rule. I understand where you’re (Harvey) coming from...I am an engineer and I’m not a designer or a planner. I know what I know. And from my prospective as someone who chose to live in the woods and be left alone, I think we have a pretty darn good representation of the people of this community. I think I know you folks well enough that are on this board to come to all of you as the chairman of the board that I know for a fact that every person that is sitting at that table is trying to make the absolute best decision for this community and for people that are coming in requesting our variances and whether it’s 50% as it is now, or whether next year it’s 95, that matters zero to me. As the chairman of that board, what matters to me is that we have people that are willing to come in here, that are willing to ask ‘Can we do something different?’ ...They get their time at the podium and we do our best to make the best decision we can. And I’ve never left one of those meetings.... if I was the 1, or was the 4, that I felt we had done an unjust duty to you guys as our fellow leaders of this community, or to the people that put us here...That anybody should feel anything but gratitude to our board as far as the work that we’ve put in.... I think you have a good group of people trying really hard to come up with a reasonable decision.... I think it’s always the best of what deep down inside of the people you guys put in the position of how we feel and what’s right for this community.

Englerth commented “Well said.” Englerth also commented on the consensus tonight being to work for the greater good.

J. Frigmanski (ZBA) asked about R. Harvey’s comment about being asked to do a report (that the ZBA has received).

R. Harvey has done the report as a way of helping – she does it for a lot of other communities.

Discussion occurred regarding a form for a ZBA meeting that was distributed by R. Harvey.

Englerth commented on the importance and value of the Joint meeting, so that everyone could get on the same page.

Dave Van Houten inquired about site plan reviews and the process if a SPR doesn't conform. R. Harvey commented on the process and the applicant's right to go to the ZBA (if the applicant applies for it) for a formal interpretation of the ordinance.

C. Strickland commented "R. Harvey says the ZBA are not problem solvers." C. Strickland asked, "Who is the one offering customer service to say 'If you just do this porch a little smaller then you would be okay'?" It was confirmed this would be Eric's job from PCI, the Zoning Administrator. Discussion occurred on the role of the Zoning Administrator to help residents, and what the ZA's role is to prepare applicants for a Planning Commission meeting and the difficulties with that role.

Due to lack of time, and no projector (thumb drive) for the CIP – a meeting will be held to cover the CIP (Capital Improvement Plan) at a different time.

R. Beukema commented on non-conforming properties and lots of property put in place way before zoning standards. R. Beukema would like to have a goal to reduce non-conforming properties by having different standards for lots before zoning standards started. For example of lot dating back to 1920 would have a different standard than the lot after zoning was in place. Discussion took place, and it was mentioned that issues could arise when someone buys a non-conforming lot and tears down a cottage and puts a big house on it. Water run off was mentioned as well.

S. Vandenberg – commented that the township is continually passing new laws. Vandenberg commented on being not so sure that we need to continue to pass laws. Vandenberg commented that his suggestion ten years ago was "Let's just give this a try. Let's put a moratorium on passing ordinances for 2 years. And just see. Just give it a shot. See what happens. See if we live or die over not passing an ordinance. And I'll leave it at that."

A meeting date set for reviewing the CIP – Capital Improvement Plan:

Wednesday, March 14th – 6 p.m. for Joint Meeting - There will be the CIP presentation and those in attendance (all boards) will go through a list of items noted tonight and have another work session.

Englerth noted "We'll try to get those bullet points out to you early so you can all think about those and reflect on them.

(The scheduled meeting date, March 14, was later cancelled due to the Board of Review meeting that evening. A new date is yet to be determined at this point).

It was noted the **Master Plan** will most likely be presented in April or May.

J. Lippert inquired regarding if the D. Tripp lawsuit was recorded as 2016 or 2017 for the ZBA report. It was confirmed that it should be, and wasn't on, the 2017 ZBA report.

F. Fiala commented that MSU has reinstated its Citizen Planner program- 6 credits can be earned in one day- in June – the same day as the township board meeting (June 14).

Englerth commented on struggles of zoning in other surrounding communities. “Zoning is a tool, not a weapon,” added Englerth.

T. Delamar (ZBA) commented on appreciating the information he has received tonight, adding that it has given him some guidance.

Full audio recording of this meeting which is to accompany the written minutes (for this meeting) has been downloaded and is accessible at the Township’s website: www.yankeespringstwp.org under “2.12.18 Joint Meeting”.

ADJOURNMENT: At 7:33 p.m, Beukema motioned to adjourn with support from VandenBerg. Approved by all.

Respectfully submitted
D. Mousseau
Recording Secretary
2.12.18

Approved Date: Circulate Draft Date: 2-23-18
Approved By Bd of Trustees March 8, 2018

Janice C. Lippert, Clerk _____

Frank Fiala, Representative of PC: _____

Jacob Welch, ZBA Chairman: _____

FINAL MINUTES
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ADJOURNMENT