

YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
Tuesday, January 14, 2025
6:00 PM
Yankee Springs Township Hall
284 N. Briggs Rd., Middleville, MI 49333
DRAFT MINUTES

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ZBA Meeting
January 14, 2025

Routing 1/20/25

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Meeting called to order at 6:00 PM by Jake Welch

PLEDGE OF ALLEGIANCE

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

Absent with Notice: Ron Heilman

Staff Present: Joe Shea, Sandy Marcukaitis, Dennis Buist

Visitors: 8

Motion by Mawson with support from Boysen to amend the agenda to add election of officers. All ayes. MOTION CARRIED.

MOTION TO AMEND
AGENDA

Motion by VanHouten with support from Welch to appoint Mike Boysen as Vice Chair. Roll Call Vote: Frigmanski: yes, Welch: yes, Mawson: yes, Boysen: yes, VanHouten: yes.

MOTION TO APPOINT
MIKE BOYSEN AS VICE
CHAIR

Yes: 5, No: 0. MOTION CARRIED

Motion by Boysen with support from VanHouten to appoint Jake Welch as Chair. Roll Call Vote: Welch: yes, Mawson: yes, Boysen: yes, VanHouten: yes, Frigmanski: yes.

MOTION
TO APPOINT JAKE
WELCH AS CHAIR

Yes: 5, No: 0. MOTION CARRIED

Motion by Welch with support from VanHouten to appoint Ron Heilman as Secretary. Roll Call Vote: Mawson: yes, Boysen: yes, VanHouten: yes, Frigmanski: yes, Welch: yes.

MOTION TO APPOINT
RON HEILMAN AS
SECRETARY

Yes: 5, No: 0. MOTION CARRIED

REPORTS FROM REPRESENTATIVES:

Board of Trustees: Mr. VanHouten shared the following board actions:

- Approved a motion to separate from the Wayland Fire Department and establish a stand-alone fire department.
- Approved motion to withdraw from Wayland EMS and associate with Thornapple EMS.
- Approved joint meeting to be held on January 20, 2025.

REPORTS FROM
REPRESENTATIVES

Planning Commission: Mr. Frigmanski gave an update on the recent meeting:

- Continued to work on the master plan.
- Reviewed the results of the public survey and discussed scheduling a public meeting to allow input on these findings in February or March.

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- Reviewed the annual report for the upcoming joint meeting.

INQUIRY ON CONFLICT OF INTEREST:

Mr. Welch inquired if there are any conflicts of interest with the board regarding the appeal on tonight's agenda. **Roll Call:** Mawson: No, VanHouten: No, Welch: No, Frigmanski: No, Boysen: No.

CONFLICT OF INTEREST

APPROVAL OF MINUTES:

Motion by Boysen with support from Mawson to approve the minutes from the CLOSED SESSION of September 3, 2024 meeting as written. Roll Call Vote: Welch: yes, Mawson: yes, Boysen: yes, VanHouten: yes. (Frigmanski was not present at this meeting.)

APPROVAL OF CLOSED SESSION MINUTES 09/03/2024

Yes: 4, No: 0. MOTION CARRIED

Motion by VanHouten with support from Boysen to approve the minutes from the September 3, 2024 meeting as presented. Roll Call Vote: Mawson: yes, Boysen: yes, VanHouten: yes, Welch: yes, Frigmanski abstained.

APPROVAL OF MINUTES 09/03/2024

Yes: 4, No: 0. MOTION CARRIED

NEW BUSINESS:

ZBA 24-11-09, Parcel ID 16-370-005-00 and 370-006-00, 2739 Sandon Circle #6 and 2739 Sandon Circle #5, Wayland. The property owners, Richard and Starr Adams, are appealing the decision of the Zoning Administrator requiring them to obtain a short-term rental permit before operating a short-term rental unit, pursuant to the Township Zoning Ordinance, *Article X, Short Term Rentals*.

ZBA 24-11-09 APPEAL BY RICHARD AND STARR ADAMS

Joe Shea (Zoning Administrator) gave an overview of his report on this case:

- The appellants are seeking to operate an STR in Whispering Pines without a permit.
- Whispering Pines is zoned RC (resort recreation) and this district does allow short term rental units. Their argument is they do not need a permit because it is part of a resort. This was raised in June when they received a citation for operating a STR without a permit.
- Mr. Shea's interpretation of the ordinance is that Whispering Pines STRs do need a permit since Whispering Pines is not functioning as a resort. He advised the appellant of that decision on July 2, 2024 via email.
- Appeal was filed in November which is long after the allowed 30-day period under 20.8.2 of the zoning ordinance. Mr. Shea recommends dismissal of the appeal because the ordinance does not authorize the ZBA to hear an appeal filed after that 30-day period following the decision of the Zoning Administrator.
- The appeal was signed by Starr Adams on October 25, 2024, and received by the Township office several days after that.

Discussion by the Board members occurred.

Motion by Boysen with support from VanHouten to dismiss the case based on the appeal date. Roll Call Vote: VanHouten: yes, Frigmanski: yes, Welch: yes, Mawson: yes, Boysen: yes.

MOTION TO DISMISS THE CASE

Yes: 5, No: 0. MOTION CARRIED.

Discussion of Joint Meeting

- Annual report was reviewed. There are some additional trainings that were taken by ZBA members and these will be added prior to the meeting.

OLD BUSINESS:

- None

PUBLIC COMMENT:

Kevin Kavanaugh (2796 Cote Dr): He is one of the original owners of Whispering Pines. When they purchased the units, they had months of dealing with the township to get them up and running. He states that the owners have complied with all the requests made by the township (for example putting a road in that could accommodate fire trucks, evaluation of the sewage system, etc.) and was always under the impression that they could rent the units to offset the costs. He has never heard a complaint about the Adams renting their units. This seems like one more hurdle that the township is putting up to make it not happen.

Julie Johnston (Plainwell, MI): She is here representing Starr Adams. From a procedural standpoint, she feels it is very unfair to ask the applicant to come to a meeting just to hear that their application is no good. Why did the township even put this on the agenda? Also, the ZA continues to state that Whispering Pines is not a resort but they haven't heard why he believes that it is not. The comment is that it went from a single ownership to a condominium so it can no longer be a resort. She states that there are resorts all over that are condominiumized so she doesn't think that is a good argument. The ordinance was changed in 2024 to state that resorts are exempt from short term rental permits so they thought there was some flexibility in dealing with situations like Whispering Pines. It is very frustrating to the applicant because it was never stated in 2013 that it was no longer a resort. The development would not have been approved if it had not been a resort. Whenever the owners come to the township to do something to their property it has been reviewed under the resort recreation district. Single family homes are not permitted. It feels like there isn't consistency in the enforcement of the zoning process (Time expired).

Starr Adams (2735 Sandon Circle): She states that she has never received the email mentioned by Mr. Shea that states she only had 30 days to appeal and requested documentation of that. She asked if she had any argument to have this heard if she did not receive the email. Mr. Welch explained that the 30-day requirement is part of the ordinance so that wouldn't make any difference. She states that in the ordinance resorts were classified the same as hospitals, campgrounds, bed and breakfasts, and not one of those people were requested to get a permit. She feels she is being discriminated against by being in a resort. It is in the ordinance that they were in compliance.

Mike Cunningham (Yankee Springs Township): (Shared a written document with the board members.) Summarizing that document, he states that the MTA is not part of the government but an association that is a valuable resort to townships. The MTA has recommended that board members should not attend and speak at ZBA and PC meetings even if specifically

DISCUSSION OF JOINT MEETING

OLD BUSINESS

PUBLIC COMMENT

invited because their attendance might be perceived as undue influence on the ZBA or the PC that might result in a legal challenge. When a member takes the oath of office, they are basically stating that they are immune to undue influence (not allowed to take bribes, etc.) and are making a decision based on the facts. It is ridiculous to think that a board member who has a legal right to say yes or no to the reappointment is exerting undue influence. This pertains to the passing of the resolution which forbids board members from exercising their first amendment and open meeting act rights to attend meetings, and that's why he's bringing this up. He wants to express to the Board that they shouldn't be capable of being unduly influenced; they should be influenced by the truth only.

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ADJOURNMENT:

Motion by Boyesen with support from Mawson to adjourn at 6:29 p.m. All ayes. MOTION CARRIED

ADJOURNMENT

Approved by: _____
John Frigmanski, acting as ZBA Secretary

Date: _____

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
January 15, 2025

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