

**YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
Tuesday, August 13, 2024
6:00 PM
Yankee Springs Township Hall
284 N. Briggs Rd., Middleville, MI 49333
DRAFT MINUTES**

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ZBA Meeting
August 13, 2024

Routing 9/26/24
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Meeting called to order at 6:00 PM by Jake Welch

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

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

Visitors: 10

PLEDGE OF ALLEGIANCE

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ALLEGIANCE

REPORTS FROM REPRESENTATIVES:

Planning Commission: Mr. Frigmanski shared the following:

- At the last meeting three SEU approvals were granted for one-year STR permits in Whispering Pines and the PC will be reviewing a possible rezoning for that area.
- Continued discussion on the use of storage containers and this will be ongoing at the next meeting.

REPORTS FROM
REPRESENTATIVES

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

- Approved the Barlow Lake Weed Special Assessment district.
- Approved a land split request on Old Mill Road.
- Approved replacing (4) doors at the Fire Station.
- Approved the kitchen renovation project in the Township Hall.
- Next blood drive will be September 11 at the Fire Station.
- Firefighters attended the meeting to show how great they look in their new uniforms and brought down the new fire truck.

INQUIRY ON CONFLICT OF INTEREST:

Mr. Welch inquired if there are any conflicts of interest with the board regarding the case on tonight's agenda. All responded there were none.

CONFLICT OF
INTEREST

APPROVAL OF MINUTES:

Motion by Boysen with support from Heilman to approve the minutes from July 9, 2024 meeting as presented. All ayes. MOTION CARRIED.

APPROVAL OF
MINUTES 07/09/2024

NEW BUSINESS:

ZBA 24-06-04 Parcel ID 125-215-00 1931 Heritage Bay Drive, Middleville. The property is zoned Residential Single Family and the property owner, Sara Sanders, appeals from the decision of the Zoning Administrator denying her application for short term rental, pursuant to

ZBA 24-06-04 Parcel ID
125-215-00
Appeal by Sara Sanders

the YST Zoning Ordinance Article X Short Term Rentals.

Mr. Shea states that the ordinance does not allow new rentals in a single-family residential area unless a permit was issued last year which there was not. Three letters were received from neighbors in support of allowing the permit, one letter was received that was neutral, and one that was opposed to the permit.

Motion by Heilman with support from Frigmanski to open the Public Hearing. All ayes.
MOTION CARRIED.

Ms. Sanders asked to be grandfathered in as a non-conforming short-term rental. She does live at 1940 Heritage Bay directly behind the rental home. They have been renting the home on a short-term basis since 2020. She stated they have no objection to paying for a permit but just weren't aware of the requirement. They would like permission to at least honor the bookings that have been made for this year (through October).

Mr. VanHouten inquired about the parcel of land that the rental home is on and the owners confirmed that part of the garage of the rental home is actually on the next parcel where they reside.

Mr. Heilman asked why they had not been aware of the meetings regarding the STR ordinance and they responded that they do not receive the newspaper at their home anymore and had not seen any of the notices.

Mr. Welch read letters from the following:

- Garry and Marion VanHouten in opposition
- Mike Cunningham in favor of allowing the STR
- Don Klein in favor of allowing the STR
- John and Beth Houskamp in favor of allowing the STR
- Jamey and Deb Mousseau in favor of allowing the STR

Motion by Boysen with support from Frigmanski to close the Public Hearing. All ayes.
MOTION CARRIED.

The Board deliberated. This is an unusual circumstance with part of the rental home building actually being located on the parcel where Ms. Sanders lives. The ordinance does not state that the owner can reside within a certain distance but that is something that may change when the ordinance is reviewed and possibly revised. It was also suggested that if the ordinance is revised, perhaps it should be stated in there that applicants who were denied can apply again immediately if their application would be affected by the changes.

Motion by Heilman with support from Welch that we agree with Joe's decision that this doesn't comply with the ordinance and our job is to determine that he's followed the letter of the law of the ordinance and that he made the correct decision based on the ordinance that is currently in place. Roll Call Vote: Boysen: yes; Welch: yes; Frigmanski: yes; Heilman: yes; VanHouten: no.

Yes: 4, No: 1. MOTION CARRIED.

Motion by Welch with support from Boysen that the ZBA request that the Township Board and the Planning Commission look at any and all options to minimize the impact of this ordinance on the residents of Yankee Springs Township as soon as possible. Roll Call Vote:

MOTION TO AFFIRM
DECISION OF THE
ZONING
ADMINISTRATOR

MOTION TO REQUEST
REVIEW BY THE
TOWNSHIP BOARD
AND THE PLANNING
COMMISSION

VanHouten: yes; Heilman: yes; Frigmanski: yes; Welch: yes; Boysen: yes.

Yes: 5, No: 0. MOTION CARRIED.

ZBA 24-06-05 Parcel ID 030-040-51 2173 Mac Drive, Wayland, MI

The property is zoned Gun Lake Residential Lakefront and the property owner, Erick Leep appeals the from the decision of the ZA denying his application for site plan review for a storage structure consisting of two shipping containers spanned by a trussed roof, pursuant to Article XII of the YS Zoning Ordinance.

Mr. Shea had requested an interpretation of the ordinance on this topic and the ZBA voted that shipping container is not considered a structure or an outbuilding and is not allowed in residential areas. Mr. Leep made a request after that which was denied by Mr. Shea based on the interpretation of the ordinance by the Zoning Board of Appeals.

Motion by Heilman with support from VanHouten to open the Public Hearing. All ayes.
MOTION CARRIED.

Mr. Leep presented his request. Along Parker Drive and Mac Drive there are many lots where the homeowner has a home on the lake side of the street and a storage building or garage on the other side of the road. His intention is that the shipping containers won't look anything like they do now when he's done but will look like a barn. He has seen many lots that have shipping containers around the area.

George Hyslop (2150 Vista Drive) (right across the channel from the applicant): The shipping containers are a new thing and they are fabulous for storage. He lives 300 feet away from where the containers are and he would like to see him allowed to paint them and use them. He is completely in favor of allowing it and he believes that the other neighbors are as well.

Motion by Boysen with support from VanHouten to close the Public Hearing. All ayes.
MOTION CARRIED.

The board deliberated. The interpretation at the May meeting was based on whether or not the container is considered a structure or an outbuilding. If a decision on the matter is tabled, the enforcement of removing the storage units is on hold until the appeal is settled. The PC is currently looking at how to handle shipping containers so after their decision is made the resolution to his appeal could change.

Motion by Welch with support from Frigmanski to table a decision on this until the Planning Commission makes a decision on what to do with this ordinance to determine whether this would potentially be allowed long term. Roll Call Vote: Boysen: yes; Welch: yes; Frigmanski: yes; Heilman: yes; VanHouten: yes.

Yes: 5, No: 0. MOTION CARRIED.

OLD BUSINESS:

None.

PUBLIC COMMENT (limited to 3 minutes):

Bruce Hadden (2165 Mac): He lives right next door. When he started this project, he thought it was great. But now it has been delayed and tabled and there's two shipping containers sitting in

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ZBA 24-06-05 Parcel ID
030-040-51
Appeal by Erick Leep

MOTION TO TABLE
DECISION ON THE
APPEAL

OLD BUSINESS

PUBLIC COMMENT

the yard. Things like this need to be decided on a timely basis so it doesn't just sit there looking like a shipyard.

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ADJOURNMENT:

Motion by Heilman with support from VanHouten to adjourn the meeting at 6:59 PM. All ayes. MOTION CARRIED.

ADJOURNMENT

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

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
August 14, 2024

DRAFT