

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS MEETING Tuesday, January 11, 2022 6:00 PM Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">FINAL MINUTES</p>	<p style="text-align: center;"><u>MINUTES</u> Page 1 of 3 ZBA Meeting January 11, 2022</p>
<p>Meeting called to order at 6:00 PM by Jake Welch.</p> <p>PLEDGE OF ALLEGIANCE</p> <p>Roll Call: Present: John Jerkaitis, Jake Welch, Mike Boysen, Dave VanHouten, Ron Heilman</p> <p>Absent with notice: John Frigmanski Staff Present: Sandy Marcukaitis Visitors: 2</p>	<p style="text-align: center;">CALL TO ORDER</p> <p style="text-align: center;">PLEDGE OF ALLEGIANCE</p> <p style="text-align: center;">ROLL CALL</p>
<p>REPORTS FROM REPRESENTATIVES:</p> <p>Board of Trustees: Dave VanHouten, Board Trustee: Board just started talking about the Emergency Services Millage and are starting conversation with the Library. Will also be reviewing a portion of the water system and there may be a discussion on zoning fees and structure. Also had a good meeting today with the Road Commission.</p>	<p style="text-align: center;">REPORTS FROM REPRESENTATIVES</p>
<p>INQUIRY ON CONFLICT OF INTEREST:</p> <p>Welch inquired if there are any conflict of interest with the board regarding tonight's request. There are none.</p>	<p style="text-align: center;">CONFLICT OF INTEREST</p>
<p>APPROVAL OF MINUTES:</p> <p><u>Motion by VanHouten with support from Heilman to approve ZBA meeting minutes of December 14, 2021.</u> All ayes. MOTION CARRIED</p>	<p style="text-align: center;">APPROVAL OF MINUTES</p> <p style="text-align: center;">NEW BUSINESS</p>
<p>NEW BUSINESS:</p> <p>ZBA 22-01-01 Parcel ID 080-009-00 A request by Jack and Julie Wever of 3979 England Dr., Shelbyville, MI for variance relief from the setbacks established in section 12.4. They are requesting relief to allow for the construction of a "Deck roof" over the existing deck.</p> <p><u>Motion by VanHouten with support from Heilman to open the public hearing.</u> All ayes. MOTION CARRIED</p> <p>Discussion: The homeowner and builder reviewed the plans and answered questions posed by the board. The structure would be 29' from the water edge which is more than the 25' requirement but less than the 42' average of the neighbors. They would like to put up the roof to provide shade as it is too windy to have an umbrella there for shade.</p> <p><u>Motion by Heilman with support from Boysen to close the public hearing.</u> All ayes. MOTION CARRIED</p>	<p style="text-align: center;">ZBA 22-01-01 Parcel ID 080-009-00 REQUESST BY JACK AND JULIE WEVER</p>

PRACTICAL
DIFFICULTY
STANDARDS

Jake Welch read the Practical Difficulty Standards and each standard was considered along with the review of the request presented by R. Harvey, Professional Planner. The ZBA discussed the request as they went through each standard.

1. That the practical difficulty asserted by the applicant by way of justification for a variance is due to unique circumstances of the property (exceptional or extraordinary physical circumstances applying to the property that do not apply generally to other properties in the area/zoning district).
2. That the condition of the property is not of so general or recurrent a nature as to make reasonable the formulation of a regulation for such condition. (An amendment of the zoning ordinance instead of variance relief).
3. A literal interpretation of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; and that the variance is the minimum necessary. (Preservation of a substantial property right similar to that possessed by other properties in the district/vicinity).
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
5. That, in granting a variance, the ZBA is ensuring that the spirit of the Zoning ordinance is observed, public safety secured, and substantial justice done (not impair the intent and purpose of the Ordinance).
6. That the practical difficulty asserted by way of justification for the variance is not self-created (created by any affirmative action of the applicant).

Discussion: This request could potentially be tabled to check the measurements to be sure they are correct, or the board can go ahead and vote based on the request made tonight.
CORRECTION: ADDED BY MOTION 2/8/2022: The applicant indicated that he didn't want to delay. The board discussed what the effect of allowing this variance could be on future residents.

Motion by Heilman with support from VanHouten that we shouldn't approve a variance based on the fact that we don't have anything concrete in our information that we have. The variance review request doesn't show anything that we can really grab onto, so I'm going to make a motion that due to the fact that we don't have any criteria that supports us making a variance for it that we don't approve it.

Roll Call Vote: Jerkatis: no; Welch: no; Boysen: no; VanHouten: yes; Heilman: no.
Yes: 1, No: 4. MOTION FAILED.

DISCUSSION: Roll Call vote needs to be redone as Heilman's motion was made to not approve the variance, so an affirmative vote would be to deny the variance. Per request of Chairperson Welch, that vote should be redone.

Motion by Heilman is that we can't pass the variance based on the fact that we have no criteria to support it. Discussion: Jerkaitis felt there was enough criteria. No further discussion needs to be had at this point as it is time for vote.

Roll Call Vote: Jerkaitis: no; Welch: yes; Boysen: yes; VanHouten: yes; Heilman: yes.
Yes: 4, No: 1. MOTION PASSED

OLD BUSINESS:

MOTION TO DENY
REQUEST FOR
VARIANCE RELIEF

OLD BUSINESS

- Joint meeting will be January 26 at 7:00 PM. Jake Welch is having surgery on the 20th so he is not sure if he will be in attendance. Dave VanHouten's wife is having surgery on the 26th but he believes he'll be able to attend
- Welch brought up that new officers are elected at the first meeting of each year. Ron Heilman said in the past they have just continued as is.
- Open to a motion to adjust if anyone wants to do so, otherwise will continue with Welch as chair, Frigmanski as vice chair, and Heilman as secretary.

**MOTION TO RETAIN
CURRENT OFFICERS**

Motion by Heilman with support from Welch to keep the officers as is. All Ayes. MOTION CARRIED.

- Heilman brought up that we are still wanting to have stakes on the property before the variance is approved, so he would like to see added to the Variance Request form that they fill out and sign that they will have stakes where the proposed project is going to be. Sometimes they do stake it, most of the time they don't. If it isn't PCI's responsibility then the owners need to make sure it is done five days to a week before the appeal so that we can go look at it.
- A proposed change was made to the form to allow the ZBA to go back and inspect up to 30 days after the project is finished.
 - As it stands now the permission is only granted for the purpose of the variance approval process.
 - Further inspections are complaint based.
- The board discussed whether or not is necessary to request PCI to attend the ZBA meetings.
- Also discussed whether a scaled drawing should be a requirement of the application or just a suggestion.
- Sandy Marcukaitis will update the form and once all ZBA members have approved it, she will forward it to Eric at PCI to be used. It is not necessary for the Board of Trustees to review it.
- Discussion took place regarding the fee being non-refundable.
- The requirement for stakes being placed one week prior to the meeting and the wording "accurate distances" for the site plan drawing requirement will be added.
- The issue of the right to revisit the property will be discussed further at the joint meeting.

ADJOURNMENT

ADJOURNMENT:

Meeting was adjourned at 7:25 PM.

Approved by: _____

Ron Heilman, ZBA Secretary

Date: _____

2/10/2022

Approved by: _____

Michael S. Cunningham, Township Clerk

Date: _____

2/10/2022

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
January 18, 2021