

**YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
VIRTUAL Zoom MEETING
Tuesday, January 12, 2021**

**7:00 PM
Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333**

MINUTES

MINUTES

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ZBA
1/12/2021
Virtual ZBA Meeting
In Compliance with COVID-19 State Requirements.

Meeting called to order at 7:00 PM by Jake Welch, Meeting Chairman.

Roll Call: Present: Michael Boysen (Alternate) (at Payne Lake Rd.), Ron Heilman (at Johnson Dr.), John Frigmanski (at Pine Meadows Dr.), Jake Welch (at N. Payne Lake Rd.), Dave VanHouten (at Rock Dr.).

PLEDGE OF ALLEGIANCE –

Absent with notice: Eric Thompson- PCI, YS Zoning Administrator

Present: Rebecca Harvey, Professional Planner, hosted tonight’s meeting and Jacob Eccleston (of Bauckham, Sparks et al.) set up the meeting using Zoom platform.

Staff Present: Sandra Marcukaitis (at N. Payne Lk. Rd.), Rob Heethuis (at Lisa Lane).

Visitors: 2- not including staff present.

REPORTS FROM REPRESENTATIVES:

Planning Commission: John Frigmanski, New PC Rep to the ZBA, commented that the last PC meeting was his first PC meeting as the ZBA Rep. All three cases were approved at the PC meeting of Dec. 17, 2020. Due to the lateness of the hour, the meeting was adjourned so the PC plans on addressing Wind and Solar issues in the near future.

Board of Trustees: Dave VanHouten, Board Trustee, commented that the December 10, 2020 was the first meeting of the new Board of Trustees. During this organizational meeting existing boards were re-established. A new sexton contract has been approved, the budget has been amended and approved. Board meetings will now be held at 6 p.m. (as voted on in the Dec. Regular Board Mtg.)

APPROVAL OF MINUTES:

Motion by Heilman with support from VanHouten to approve ZBA meeting minutes of December 8, 2020 as presented. ROLL CALL: Frigmanski: Yes, Boysen: Yes, VanHouten: Yes, Welch: Yes, Heilman: Yes. Yes: 5, No: 0, MOTION CARRIED.

Chairman Welch welcomed Frigmanski & VanHouten back to the ZBA in their new positions as PC and Board Representatives, respectively.

NEW BUSINESS:

ZBA 21-01-01 Parcel ID 08-16-120-012-00 A request by Klas Hjelm of 11143 Hastings Point Rd is seeking relief to allow for the construction of an addition on an existing dwelling that fails to meet setback requirements.

CALL TO ORDER

ROLL CALL

PLEDGE

REPORTS FROM REPRESENTATIVES

APPROVAL OF MINUTES

ZBA 21-01-01 Parcel ID 08-16-120-012-00 Request by Klas Hjelm of 11143 Hastings Point Rd.

Motion to OPEN Public Hearing by VanHouten with support from Boysen at 7:07 p.m.
Roll Call Vote: Boysen: Yes, Heilman: Yes, Welch: Yes, Frigmanski: Yes, VanHouten: Yes.
Yes: 5, No: 0, MOTION CARRIED.

Applicant, Klas Hjelm presented his request to build a family room on to their existing building. Addition will remain currently in line with what they have as a waterfront setback now.

No further public comment was made.

At this time, the board conferred with the applicant.

R. Harvey passed along measurements that were taken by the ZA. Average setback requirement is 55' per R. Harvey. (The average of 16', 50', and 100')

Applicant commented that he submitted supportive letters (with no issues) from both east and west neighbors in his building application. Note: Applicant referenced two (2) pieces of correspondence (consent in writing) that was not received at the township office, per Sandy Marcukaitis, Zoning Assistant. ZBA Secretary, Ron Heilman, noted that he also did not receive the referenced correspondence (by applicant). Harvey noted that the ZBA, at this point, must assume that there is no correspondence. "On the other hand as you go through the criteria, the fact that you don't have public present objecting, you can certainly make that observation. And so you're not going to have any conditions on that correspondence," added R. Harvey. Applicant noted he will email Sandy M. the referenced letters at the township office tomorrow. (Received per Sandy Marcukaitis on 1/13/2021.)

Motion to CLOSE Public Hearing by VanHouten with support from Boysen at 7:15 p.m.):
Roll Call Vote: Welch: Yes, Boysen: Yes, Frigmanski: Yes, VanHouten: Yes, Heilman: yes.
Yes: 5, No: 0, MOTION CARRIED.

At this time, 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.**

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**VIRTUAL ZBA Mtg.
In Compliance with COVID-19 State Requirements.**

**PRACTICAL
DIFFICULTY
STANDARDS &
REVIEW OF
PROFESSIONAL
PLANNER**

5. That, in granting a variance, the ZBA is insuring 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).

Motion by Boysen with support from VanHouten to grant the requested waterfront setback off from the 55 ft. average setback requirement to allow the 36 ft. proposed setback based on the board's findings of the variance criteria, specifically those set forth in Items 2, 3, 4, and 5. ROLL CALL VOTE: Frigmanski: Yes, Welch: Yes, Boysen: Yes, Heilman: Yes, VanHouten: Yes. Yes: 5, No: 0, MOTION CARRIED.

OLD BUSINESS:

Election of New Officers for 2021:

*Motion by VanHouten with support from Boysen to have **Jacob Welch** continue as **Chairman** of the ZBA. Roll Call Vote: VanHouten: Yes, Heilman: Yes, Boysen: Yes, Welch: Abstained, Frigmanski: Yes. Yes: 4, No: 0, Abstained: 1. MOTION CARRIED.*

*Motion by Welch with support from Frigmanski to have **Ron Heilman** continue as **Secretary** of the ZBA. Roll Call Vote: VanHouten: Yes, Boysen: Yes, Welch: Yes, Frigmanski: Yes, Heilman: Abstained. Yes: 4, No: 0, Abstained: 1. MOTION CARRIED.*

*Motion by Welch with support from Boysen & Heilman to have **John Frigmanski** as **Vice-Chairman**. Roll Call Vote: Welch: Yes, Boysen: Yes, Heilman: Yes, VanHouten: Yes, Frigmanski: Abstained. Yes: 4, No: 0, Abstained: 1. MOTION CARRIED.*

Discussion occurred regarding: D. VanHouten not being able to continue as Vice-Chair as he is on the Board of Trustees and serves as a Board Rep. to the ZBA. It was noted that John Frigmanski took the place vacated by the resignation of Patrick Jansens, (P. Jansens was the PC Rep to the ZBA.) R. Heilman recommended filling J. Frigmanski's previous ZBA spot with Mike Boysen. Discussion regarding the Board showing courtesy to other applicants, as well as Boysen, by contacting them and possibly setting up interviews. D. VanHouten noted that the other applicants and Boysen would probably be getting some news on this (application/interview status) in the near future. R. Harvey commented that ZBA alternate attendance to a meeting- must be requested.

OTHER SUCH BUSINESS/OLD BUSINESS:

JOINT MEETING to be held on Wednesday, January 27th at 6 p.m.

J. Welch commented on Board of Trustee meetings being changed to 6 p.m.

Motion by VanHouten with support from Welch to make ZBA meeting time at 6:00 p.m. for future meetings (each individual 2021 ZBA meeting has to be published as a 6:00 p.m. meeting). ROLL CALL VOTE: Frigmanski: Yes, Welch: Yes, Boysen: Yes, Heilman: Yes, VanHouten: Yes. Yes: 5, No: 0, MOTION CARRIED.

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MOTION to Approve

OLD BUSINESS

VOTE Results:

Chairman: J. Welch

Secretary: R. Heilman

Vice-Chair: J. Frigmanski

OTHER SUCH BUSINESS

MOTION for Meeting Time to be 6 p.m.

PUBLIC COMMENT:

R. Heilman noted that he (along with another YS Resident) will be making a presentation to the Board of Trustees (Jan. 14, 2021) regarding Short Term Rentals.

(Brief discussion took place with R. Harvey regarding current state legislation and status in the legislature regarding Short Term Rentals.)

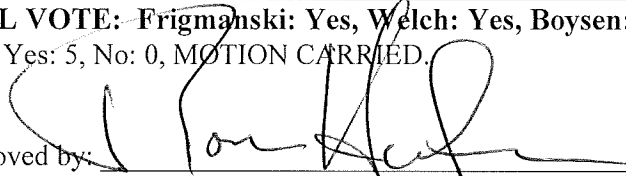
J. Welch commented that he has enjoyed working with the ZBA members, especially with the current division among other governmental bodies- both state and nation-wide.

ADJOURNMENT:

Motion by Heilman with support from Boysen to adjourn meeting at 7:50 p.m. ROLL

CALL VOTE: Frigmanski: Yes, Welch: Yes, Boysen: Yes, Heilman: Yes, VanHouten: Yes. Yes: 5, No: 0, MOTION CARRIED.

Approved by:

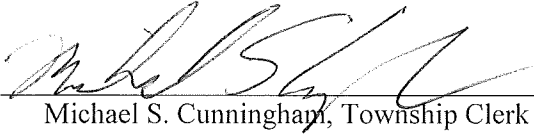


Ron Heilman, ZBA Secretary

Date:

3/15/2021

Approved by:



Michael S. Cunningham, Township Clerk

Date:

3/15/2021

Respectfully submitted by:

Deb Mousseau

Recording Secretary, 1/12/2021

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PUBLIC COMMENT

ADJOURNMENT