

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS MEETING <u>Tuesday, June 14, 2022</u> 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: right;"> <u>FINAL MINUTES</u> Page 1 of 5 ZBA Meeting June 14, 2022 </p>
<p>Meeting called to order at 6:00 PM by Jake Welch</p> <p>PLEDGE OF ALLEGIANCE</p> <p>Roll Call: Present: Dave VanHouten, John Frigmanski, Ron Heilman. Jake Welch, John Jerkatis</p> <p>Staff Present: Mark Thompson</p> <p>Visitors: 6</p>	<p>CALL TO ORDER</p> <p>PLEDGE OF ALLEGIANCE</p> <p>ROLL CALL</p>
<p>REPORTS FROM REPRESENTATIVES:</p> <p>Planning Commission: John Frigmanski: At the last meeting one request was granted and one was denied. Still working on the private road regulations.</p> <p>Board of Trustees: Dave VanHouten, Board Trustee: Missed the last meeting but the two main things going on now are the budget and ARPA funds.</p>	<p>REPORTS FROM REPRESENTATIVES</p>
<p>INQUIRY ON CONFLICT OF INTEREST:</p> <p>Heilman inquired if there are any conflict of interest with the board regarding tonight's request. There are none.</p>	<p>CONFLICT OF INTEREST</p>
<p>APPROVAL OF MINUTES:</p> <p><u>Motion by Frigmanski with support from VanHouten to approve the May 10 ZBA meeting minutes.</u> All ayes. MOTION CARRIED</p>	<p>APPROVAL OF MINUTES</p>
<p>NEW BUSINESS:</p> <p>ZBA 22-06-06 Parcel ID #08-16-210-014-00 1188 Lynn Dr., Middleville, MI 49333. A request by property owner, Jack Dewey, for variance relief from the setbacks established by section 12.4 "Required Setbacks". The subject site is approximately .15 acres in size. The property is currently zoned Residential Lake Front (RLF) and the applicant is requesting relief to allow for the construction of a roof over patio that fails to meet the required setbacks.</p> <p><u>Motion by Heilman with support from Jerkatis to open the public hearing.</u> All ayes. MOTION CARRIED</p> <p>Mr. Dewey shared his request to put a partial roof over the patio (about half the width of the cottage) for two reasons. One, to be able to use the patio during rainy weather; and two, the sun makes it too hot to use the patio during most of the afternoon. Mr. Heilman made the applicant aware that if the variance is granted, it would not be allowed to enclose the patio at any time in the future.</p>	<p>NEW BUSINESS</p> <p>ZBA 22-06-06 Parcel ID 08-16-210-014-00 Request by Jack Dewey</p>

Mark Thomson shared an email from Steve Devries, owner of 1194 Lynn Dr., immediately to the south of the Dewey’s property. Mr. Devries is writing to support approval of Mr. Dewey’s request.

The roof as requested would be 12’, requiring a variance of 5’. It is in line with the neighboring property that has a similar deck with roof.

Motion by Heilman with support from VanHouten to close the public hearing. All ayes.

MOTION CARRIED

Jake Welch read the Practical Difficulty Standards and each standard was considered. 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 to 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).

Board deliberations took place.

Motion by VanHouten with support from Frigmanski that we approve the variance mainly based on #3, that by approving this it is consistent with the other properties. It’s five feet that they are asking for, it puts it in line with the house next door, and that the front and sides cannot be enclosed and must remain open in the future. Roll Call Vote: VanHouten: yes; Heilman: yes; Jerkatis: yes; Welch: yes Frigmanski: yes.

Yes: 5, No: 0. MOTION PASSED

ZBA 22-06-07 Parcel ID #08-16-055-020-00 703 Palmer Dr., Middleville, MI 49333.

A request by property owners, Deborah and John Mulligan, for variance relief from the setbacks established by section 12.4 “Required Setbacks”. The subject site is approximately .45 acres in size. The property is currently zoned Residential Lake Front (RLF) and the applicant is requesting relief to allow for the construction of an addition to an accessory building that fails to meet the required setbacks.

**PRACTICAL
DIFFICULTY
STANDARDS**

**MOTION TO APPROVE
THE VARIANCE
REQUEST**

**ZBA 22-06-07 Parcel ID
08-16-055-020-00
Request by Deborah and
John Mulligan**

Motion by VanHouten with support from Frigmanski to open the public hearing. All ayes.

MOTION CARRIED

The building contractor for the Mulligans shared some drawings and spoke on their behalf. They would like to expand the width of the garage by 8' and add a door to the north end. It will be necessary to excavate the area for the door and put in a retaining wall. It will also extend the roof out further. Questions were asked by the Board and answered.

Motion by Jerkatis with support from Frigmanski to close the public hearing. All ayes.

MOTION CARRIED

Jake Welch read the Practical Difficulty Standards and each standard was considered. 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 to 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).

Board deliberations took place.

Motion by Frigmanski with support from Heilman to reopen public hearing. All ayes. MOTION CARRIED.

Bill Barber of 691 Palmer spoke in support of approving the request and thinks it will improve the vision of Palmer Drive when the dig the dirt bank and will not impair traffic or anything like that.

Motion by Heilman with support from Frigmanski to close the public hearing. All ayes.

MOTION CARRIED.

Motion by Frigmanski with support from VanHouten to approve the request based on numbers 3, 4, and 5. Roll Call Vote: Frigmanski: yes; Welch: yes; Jerkatis: yes; Heilman: yes; VanHouten: yes.

Yes: 5, No: 0. MOTION PASSED

MOTION TO APPROVE
THE VARIANCE
REQUEST

ZBA 22-06-08 Parcel ID
08-16-090-001-00
Request by Emmy and
Joe Jandernoa

ZBA 22-06-08 Parcel ID #08-16-090-001-00 12503 Terry Ln., Wayland, MI 49348

A request by property owners, Emmy and Joe Jandernoa, for variance relief from the setbacks established by section 12.4 "Required Setbacks". The subject site is approximately .27 acres in size. The property is currently zoned Residential Single Family (RSF) and the applicant is requesting relief to allow for the construction of a pool that fails to meet the required setbacks.

Motion by Jerkatis with support from Frigmanski to open the public hearing. All ayes.

MOTION CARRIED

Mr. Jandernoa expressed his opinion that putting in the pool in a way that didn't violate the setback requirements would not be esthetically pleasing to the neighboring property and feels their plan is a better way of fitting the pool into their existing lot. They can't go beyond the edge of the current deck due to the location of the sewer line. The pool will be located 45' from the pool to the road as traveled. The new deck will be smaller than the current deck. Questions were asked by the board and answered by the applicants. The request is for a variance of 13' on the east side.

Motion by Frigmanski with support from Welch to close the public hearing. All ayes.

MOTION CARRIED

Jake Welch read the Practical Difficulty Standards and each standard was considered. 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 to 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).

Board deliberations took place.

Motion by Frigmanski with support from VanHouten to approve the request based on #1, because of the rhombus shape of the lot, and #3, 4 and 5, and that the exterior will be finished to comply with current building codes. Discussion: Questions were asked by the board and answered by the property owners with regard to the finishing of the pool area. **Roll Call Vote:** Welch: yes; Jerkatis: no; VanHouten: yes; Heilman: yes; Frigmanski: yes.

PRACTICAL
DIFFICULTY
STANDARDS

MOTION TO APPROVE
THE VARIANCE
REQUEST

Yes: 4, No: 1. MOTION PASSED

OLD BUSINESS:

Heilman expressed his desire that PCI encourage the homeowners to stake the project so that it is clear to the ZBA members when they visit the property. Mark Thomson said that the homeowners are asked to do it but they do not always comply. Perhaps it needs to be a requirement on the form that they submit to the ZBA. Changes to the form have been submitted but have not been approved and the form has not been revised yet. Frigmanski will follow up on this at the next PC meeting. The PC will also be asked to review the subject of building "pole barn homes" or "barndominiums" on a residential lot.

Welch also requested of Mark Thomson to be sure that the request actually includes the specific dimension of the variance. He also suggested that the motion include the actual dimension of the variance that is being approved. He reiterated to Mark Thomson that the staking should really be verbally stressed to the applicant as it will improve their chance of the board understanding what the homeowner wants to build and therefore approving the request. The board members take the time to go out to the properties and they really want to be able to see what is being requested.

ADJOURNMENT:

Motion by Heilman with support from VanHouten to adjourn meeting at 7:19 PM. All Ayes,
MOTION CARRIED.

Approved by: 
Ron Heilman, ZBA Secretary

Date: 07/12/2022

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
June 15, 2022

OLD BUSINESS

ADJOURNMENT