

**YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
VIRTUAL Zoom MEETING AND IN-HOUSE
Tuesday, November 10, 2020**

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

MINUTES

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Meeting called to order at 7:00 PM by Jake Welch, Meeting Chairman.
Roll Call: Present: Michael Boysen, Ron Heilman, John Frigmanski, Jake Welch, Dave VanHouten.
Absent with Notice: Pat Jansens has resigned.
PLEDGE OF ALLEGIANCE –
Present: Rebecca Harvey, Professional Planner
Present via ZOOM: Eric Thompson- PCI, YS Zoning Administrator
Staff Present: Sandra Marcukaitis
Visitors: 9 in-house visitors - not including staff present. 5 visitors via ZOOM (virtual).

CALL TO ORDER
ROLL CALL
PLEDGE

REPORTS FROM REPRESENTATIVES:

Planning Commission: Not present. (Pat Jansens has resigned).
Board of Trustees: There is no Board Representative at this time.

REPORTS FROM REPRESENTATIVES

APPROVAL OF MINUTES:

Motion by Frigmanski with support from Boysen to approve ZBA meeting minutes of October 13, 2020 as presented. ROLL CALL: Frigmanski: Yes, Boysen: Yes, VanHouten: Yes, Welch: Yes, Heilman: Yes. Yes: 5, No: 0. MOTION CARRIED.

APPROVAL OF MINUTES

NEW BUSINESS:

ZBA 20-10-08 Parcel ID 065-005-00. A request by Fred Ignatovich for setback relief at 10810 Shady Lane, Middleville, MI

ZBA 20-10-08 Parcel ID 065-005-00.

Motion to Open Public Hearing at 7:04 p.m. by Frigmanski with support from VanHouten.
Roll Call VOTE: Boysen: Yes, Welch: Yes, VanHouten: Yes, Frigmanski: Yes, Heilman: Yes. ALL (5) YES. MOTION CARRIED.

A request by Fred Ignatovich for setback relief at 10810 Shady Lane, Middleville, MI

Joe Wilcox of JWK Construction presented request for the applicants, The Igratovich's.

Applicants were advised that structure cannot be closed in.

Public Comment: NONE

Motion to Close Public Hearing by Frigmanski at 7:09 p.m. Support by Boysen. ROLL CALL VOTE: Boysen: Yes, Welch: Yes, VanHouten: Yes, Frigmanski: Yes, Heilman: Yes. ALL (5) YES. 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.

Ms. Rebecca Harvey's report was taken into consideration with standards, as well.

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).

Motion to reopen public hearing by Heilman with support from Frigmanski at 7:18 p.m. ROLL CALL VOTE: Boysen: Yes, Welch: Yes, VanHouten: Yes, Frigmanski: Yes, Heilman: Yes. ALL (5) YES. MOTION CARRIED.

Comment by was made by the Builder of the Ignatovich's (Joe Wilcox) regarding the homeowners being concerned of the line of sight to the lake of the adjacent property to the west. "And in the direction that they'd be looking is really not even towards the lake if you were to draw a straight line through there." J. Wilcox wanted it to be made know that they were considerate with all that information.

Motion to Close Public Hearing by VanHouten at 7:21 p.m. Support by Welch. ROLL CALL VOTE: Boysen: Yes, Welch: Yes, VanHouten: Yes, Frigmanski: Yes, Heilman: Yes. ALL (5) YES. MOTION CARRIED.

Motion by VanHouten with support from Welch to approve the variance request ZBA 20-10-08 Parcel ID 065-005-00 by Fred Ignatovich for setback relief at 10810 Shady Lane, Middleville, MI based on Standards: #1) the curvature of the shoreline on the lot adjacent to the west does present a unique circumstance for the subject site in its effect of increasing the waterfront setback on the adjacent lot (and therefore the average setback), even though

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MOTION to Approve Parcel ID 065-005-00 by Fred Ignatovich for 10810 Shady Lane.

the buildings are generally in alignment. #4) The lot adjacent to the east is provided a waterfront setback of 26^{ft}; the proposed deck/roof will not extend forward of the house or patio area adjacent to the east. #5) The proposed 32 ft. waterfront setback will exceed the established minimum waterfront setback of 25 ft., suggesting separation and shoreline preservation objectives will be met. The average waterfront setback of the lots within 150 ft. on the eastside of the subject property is 32 ft. The overall average waterfront setback of 60 ft. is largely due to the increased setbacks that exist on the west side of the subject site caused primarily by the curvature of the shoreline. Though the waterfront setbacks vary, existing construction is in general alignment. Visibility/sight lines and general building alignment objectives will continue to be met.

Both VanHouten and Welch rescinded their motion and support for motion directly above, to amend the above motion as noted by Heilman.

Motion by VanHouten with Support from Welch to amend the same motion above only by adding: "No sides to be added to the deck with roof at any time." The rest of the motion remains in its entirety (above). ROLL CALL VOTE: VanHouten: Yes, Heilman: Yes, Welch: Yes, Boysen: Yes, Frigmanski: Yes. All (5) Yes. MOTION CARRIED.

ZBA 20-10-09 parcel ID 155-055-00 A request by A request by Joanne Gibson for setback relief at 2194 Parker Dr. Wayland, MI

Motion to Open Public Hearing at 7:25 p.m. by VanHouten with support from Boysen. Roll Call Vote: Welch: Yes, Frigmanski: yes, Boysen: Yes, VanHouten: Yes, Heilman: Yes. All YES (5). MOTION CARRIED.

Jim TenHaaf, Contractor, presented the request for Joanne Gibson.

Bob Genter, of 2212 Parker Drive, commented and distributed pictures to the ZBA members. Genter mentioned the VanderSluis residence and mentioned a telephone pole is in the front of their garage is in the right of way. Currently used concrete slab was mentioned of Gibson's. "What you would by allowing this is having another neighbor put a garage within 8 ft. of the road and it's totally unacceptable by me," added Genter. Spoke of another adjacent neighbor to the north (Gary Martin) building a very garage that was consistent with the ordinance after being denied and then building a lot to eventually build on. "If he (Martin) had to buy a lot to build something consistent with the neighborhood, why don't these people have to?"

Builder, Jim TenHaaf commented on the house shown by Genter being a 0 ft. setback as they were looking for a 10.5 ft from the setback. "We're only asking for 2.5 ft. more," noted TenHaaf. The whole front will be concrete. No water pooling or water issues will be caused per the builder.

Bob Genter showed pictures of the proposed parking and an accessory shed.

Gary Martin, also of Parker Dr., commented virtually via Zoom participation.

Discussion occurred regarding measurements of setbacks.

Jim TenHaaf, Builder, commented that technically it (actual setback) has to be 16 ft. so they are asking for 5.5 ft.

Motion to CLOSE Public Hearing at 7:39 p.m. by Frigmanski with support from VanHouten. Roll Call: VanHouten: Yes, Frigmanski: Yes, Heilman: Yes, Boysen: Yes, Welch: Yes. Yes: 5, No: 0. MOTION CARRIED.

At this time, the ZBA Chair reviewed the Standards of Practical Difficulty (above). Ms. Rebecca Harvey's report was taken into consideration with standards, as well.

Motion to Re-Open at 7:47 by Heilman with support from Welch. ROLL CALL VOTE: Frigmanski: Yes, Welch: Yes, Boysen: Yes, VanHouten: Yes, Heilman: Yes. All (5) Yes, MOTION CARRIED.

Bob Genter of Parker, commented on moving of the shed to other side and move it further up next to their cottage, would help them (J. Gibson Family) have additional parking. "What I've endured for 20 years with these people is always trailers, jet skis, pickups, visitors' cars, all parking in the road. They have no parking. Even though they have a ? where they are going to build a garage, there's five cars there every weekend. So they're in the neighbor's, they were across the street until they got booted out of there. They haven't been compliant with the wishes of the neighborhood as far as parking.... They need more parking space. If they put a garage up, it is going to limit parking in front of that. If they move that shed they will have another stall for on that side it will be better yet."

Zander and Kelly Waldman, 2167 Parker Drive, sent a message to E. Thompson (who read it virtually on Zoom). The Waldman's noted that they did not have an issue with the project that they lived across from.

Motion by Heilman with support from Welch to close Public Hearing at 7:51 p.m. Roll Call Vote: Welch: Yes, Welch: Yes, Boysen: Yes, VanHouten: Yes, Frigmanski: Yes. All (5) Yes, MOTION CARRIED.

BOARD DELIBERATION

Motion by Boysen to allow this variance request with the stipulation to remove shed to allow for more off street parking. (No support) MOTION FAILED DUE TO LACK OF SUPPORT (at this point in deliberation).

Motion by Welch support by Boysen to approve variance of 5.5 feet with the requirement that the shed is relocated for additional parking based on Criteria Items: #2 (All are non-conforming in neighborhood); #3) It is a right enjoyed by a majority of the owners in area, #4) not being detrimental to adjacent properties, #5) The finding of variance would meet the intent of the variance with the ability to provide adequate off-street parking because of the additional parking on the side and on condition of moving the shed to provide additional parking. ROLL CALL VOTE: Frigmanski: No, Boysen: Yes, Welch: Yes, VanHouten: No, Heilman: Yes. Yes (3), No (2). MOTION CARRIED.

MOTION to Approve with relocation of shed
Parcel ID 155-055-00
Joanne Gibson at 2194
Parker Dr. Wayland, MI

ZBA 20-10-10 Parcel ID 210-002-00 A request by Dan VanSolkema of 11635 Rock Drive, Wayland, MI for setback relief.

Dave VanHouten, ZBA member, commented that he lives on Rock Drive. It was determined that he (VanHouten) does not live within 300 ft. There were no objections from other members of the ZBA regarding Dave VanHouten staying at the ZBA board table.

Motion to Open PUBLIC HEARING by Frigmanski with support from Boysen at 8:03 p.m.
Roll Call VOTE: VanHouten: Yes, Heilman: Yes, Welch: Yes, Boysen: Yes, Frigmanski: Yes. ALL YES (5). MOTION CARRIED.

Dan Van Solkema and wife, Judi, presented their request.

For the record, Chair Welch read the following correspondence:

Three (3) emails were received from:

Michael and Fran Hollern, of 1110 Lynn Dr. , in support of variance request of the VanSolkema's.

Barb Malda of 11611 Rock Drive, in support of the project.

Cheryl Friske, 11619 Rock Drive, commented "...No objections to the re-zoning of this house."

IN HOUSE (In Person) COMMENTS:

Jeff Deppe of 11653 Rock Dr. was in favor of project.

Dan Malda of 11611 Rock Drive was also in favor of the project.

NO VIRTUAL PUBLIC COMMENTS

Motion by Frigmanski, with support from Boysen to CLOSE PUBLIC HEARING at 8:27 p.m. Roll Call VOTE: VanHouten: Yes, Heilman: Yes, Welch: Yes, Boysen: Yes, Frigmanski: Yes. ALL YES (5). MOTION CARRIED.

Both requests (of applicant) were taken into consideration at same time.

At this time, the ZBA Chair reviewed the Standards of Practical Difficulty (printed above- page 2).

Ms. Rebecca Harvey's report was taken into consideration with standards, as well.

LENGTHY DISCUSSION TOOK PLACE.

Motion by Welch with support from Heilman to table to next regular meeting with the request that applicants stake out the location of project. ROLL CALL VOTE: Heilman: Yes, Welch: Yes, Boysen: Yes, VanHouten: Yes, Frigmanski: Yes. ALL (5) YES. MOTION CARRIED.

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ZBA 20-10-10 Parcel ID 210-002-00 Dan VanSolkema of 11635 Rock Drive, Wayland, MI for setback relief.

MOTION TO TABLE

Motion to Re-Open Public Hearing by Boysen with support from Welch at 8:55 p.m.

ROLL CALL VOTE: Frigmanski: yes, Boysen: Yes, Welch: yes, Heilman: Yes, VanHouten: Yes. All (5) YES. MOTION CARRIED.

D. VanSolkema commented on the waterfront setback. (25 feet = minimum).

R. Harvey noted that an averaging approach is applied to automatically factor in view shed and alignment.

R. Harvey commented that staking out the dimensions will help PCI, and ZBA

R. Heilman noted that a variance is granted forever.

M. Cunningham (virtual comment) inquired if the 25' minimum was an absolute required minimum.

R. Harvey commented on the 25' being the standard that the township has set.

MOTION to CLOSE by VanHouten with support from Boysen at 9:00 p.m. Roll Call VOTE: *VanHouten: Yes, Heilman: Yes, Welch: Yes, Boysen: Yes, Frigmanski: Yes. All (5) YES. MOTION CARRIED.*

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RE-OPEN & CLOSE
of Additional Public
Hearing on
VanSolkema Request
(Rock Dr.)

OTHER SUCH
BUSINESS/OLD
BUSINESS

OTHER SUCH BUSINESS/OLD BUSINESS:

(Such other business as may properly come before the Zoning Board of Appeals.)

Jake Welch thanked **Dave VanHouten (ZBA Vice Chair)** and **Deb Mousseau (Recording Secretary)** for their service on the ZBA. Both will be new Board Members (Board of Trustees). **Sandy Marcukaitis** provided cupcakes as a "thank you". (Thanks, Sandy! ☺).

D. VanHouten commented that he would still like to be on the ZBA, as a Board of Trustee Member. It was clarified that he can serve on the ZBA, but not be Vice Chair anymore. **D. Mousseau** will be allowed to continue to take minutes for the ZBA, and Planning Commission per YS legal counsel.

Ron Heilman spoke regarding seeing in the newspaper about a week and a half about tonight's three cases. R. Heilman asked if the paperwork could come sooner so that it would give ZBA members time to get out to the site and review the cases.

Eric Thompson, PCI, Zoning Administrator, commented and apologized saying that it's been a busy, difficult month and this would not be the norm.

VanHouten commented that "on the bright side" the drawings were better (regarding the site plans/projects).

Jake Welch asked regarding ZBA communication to the PC, "Have we said anything to PC about the outliers?"

R. Harvey commented on the recent history of PC members in response to the 300' requirement (setbacks of neighbors).

J. Welch noted that he would like the ZBA Chair or ZBA member to get invited to go to a PC meeting – especially when they are addressing ZBA requests.

J. Frigmanski inquired as to when the 25' setback from lake go into place.

R. Harvey commented that it has not been put in place since she has been serving Yankee Springs Township. R. Harvey also commented that the 25' waterfront setback has been the least she has seen with her work with other townships (with lakes).

D. Mousseau, recording secretary, commented on the difficulty of recording the hybrid meetings (both virtual and in-house). Comments from the virtual audience cannot be heard on the audio recording during an in-house meeting unless the headsets are unplugged from a laptop near the audio recorder.

J. Welch commented that virtual meetings would be his choice for the near future with COVID spikes getting worse right now.

Moving back to all virtual meetings was discussed. R. Harvey commented that it is ok for all virtual meetings to go to the end of the year. R. Harvey commented that there is nothing making us do virtual. We can do meetings all in person, and we are not being made to do hybrid, according to R. Harvey.

R. Heilman commented that there was a lot of back and forth communication-wise in tonight's meeting, and if we were virtual tonight, we would not have the communication that took place tonight. "Everyone had comments and you wouldn't do that with virtual."

J. Welch noted the three or four virtual meetings that were fine. "I thought those (virtual) went a lot better than this hybrid....I'm fully in favor of not doing this again." Welch would lean toward going to a virtual meeting for one more month. Welch noted that if an applicant is quarantined, and it is not a virtual meeting, the applicant will not be able to attend the ZBA meeting.

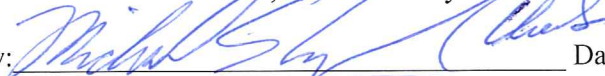
VanHouten commented that he would think the December ZBA meeting should be virtual.

A VIRTUAL ZBA MEETING for next month (December should be announced).

PUBLIC COMMENT: M. Cunningham with a virtual comment, noted that tonight's meeting didn't go too bad. "Going forward, virus or not, I think the intent is to try to upgrade our technology to the point where we have the ability to go either way with very good quality. Our equipmentIt's the wave of future, regardless of the virus, it's not going to happen right away, but I think we are going to move in that direction where we can do very good combination meetings."

ADJOURNMENT: Motion by VanHouten with support from Welch to adjourn meeting at approximately 9:17 pm. ROLL CALL VOTE: Frigmanski: Yes, VanHouten: Yes, Welch: Yes, Bolsen: Yes, Heilman: Yes. Yes: 5, No: 0. MOTION CARRIED.

Approved by:  Date: 12/21/2020
Ron Heilman, ZBA Secretary

Approved by:  Date: 12/21/2020
Janice C. Lippert, Township Clerk

Respectfully submitted by: Deb Mousseau Recording Secretary, 11/10/2020

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OTHER SUCH BUSINESS/OLD BUSINESS:

PUBLIC COMMENT

ADJOURNMENT