

**YANKEE SPRINGS TOWNSHIP**  
**ZONING BOARD OF APPEALS**  
**Tuesday, October 11, 2022**  
**6:00 PM**  
**Yankee Springs Township Hall**  
**284 North Briggs Road, Middleville, Michigan 49333**

**FINAL MINUTES**  
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 ZBA Special Meeting  
 October 11, 2022

**FINAL MINUTES**

Meeting called to order at 6:00 PM by Jake Welch

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

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**Roll Call:** Present: Tom Mawson, Dave VanHouten, Jake Welch, Mike Boysen, Ron Heilman

**ROLL CALL**

Absent with Notice: John Frigmanski, John Jerkatis

**Staff Present:** Sandy Marcukaitis, Rob Heethuis, Larry Knowles

**Visitors:** 6

**REPORTS FROM REPRESENTATIVES:**

**REPORTS FROM REPRESENTATIVES**

**Planning Commission:** No report.

**Board of Trustees:** Dave VanHouten: It was a busy month for the Board of Trustees.

- Approved quite a few changes on the building remodel
- Recommended that the liquor license for the Gun Lake Cocina be considered for approval by the Michigan Liquor Control Commission
- They are working on establishing a weed control special assessment district for Cobb Lake
- Approved Tom Mawson as ZBA Alternate #2
- Approved new snowplow contract for the year
- Special meeting Sept. 13, decided not to go underground with the electric service for the building and also approved entryway painting
- Special meeting Sept. 29 where we approved 18" curbing on part of the parking lot to control water run-off and approved a new fire hydrant in front of the fire station
- Special meeting Oct. 5: approved the extension of the parking lot at the park

**INQUIRY ON CONFLICT OF INTEREST:**

**CONFLICT OF INTEREST**

Mr. Welch inquired if there are any conflict of interest with the board regarding tonight's request. There are none.

**APPROVAL OF MINUTES:**

**APPROVAL OF MINUTES**

**Motion by Heilman with support from Mawson to approve the minutes from September 13.**

All ayes. MOTION CARRIED

Motion by Boysen with support from Heilman to approve the minutes from October 4 special meeting. All ayes. MOTION CARRIED (*VanHouten abstained*).

**FINAL MINUTES**

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ZBA Meeting  
October 11, 2022

**NEW BUSINESS:**

**ZBA 22-10-021 PARCEL ID #08-16-055-017-00. 752 Palmer Dr., Middleville MI 49333.** A request by owner, Pam Washburn, for relief from the setbacks established by section 12.4 "Required Setbacks".

**ZBA 22-10-021 Parcel ID  
#08-16-055-017-00  
Request by Pam  
Washburn**

The subject site is approximately .259 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 new home that fails to meet the setback requirements.

Mark Thompson (PCI) stated that this was a house that was burned and the property owner wants to build a new home and in order to keep down the excavation costs they are requesting a variance from the road side. The variance would be for 5' rather than the 10' requirement.

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

MOTION CARRIED

Ken Post (building contractor) spoke on behalf of Ms. Washburn. The proposed location will preserve the integrity of the foliage and to avoid having to put in a large retaining wall. The request is to be 5' from the road as traveled to the overhang, with the home being 6' from the road. There will still be retaining walls needed to the side. The new home will be further from the road than both of the neighboring properties. It will also be further from the road than the house that burned down. There will be room for parking on the adjacent lot and the north end.

**Public Comment** (limited to 3 minutes): None

Letters received via email in support of the variance from the following neighbors were read into the record:

- Dave & Julie Van Sickle (715 Palmar Drive)
- Jodie Sevigny (768 Palmer Drive)
- Chris and Kami Black (768 Palmer Drive)
- Lois and Bill Barber (691 Palmer Drive)

Motion by Heilman with support from Mawson 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.

**PRACTICAL  
DIFFICULTY  
STANDARDS**

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 Boysen with support from VanHouten that we grant the variance based on #1, #3, #4 and even #5.*

*Revised to add the following language to the motion: #1 there is unique physical limitations; #3 is pretty clear because of the averaging that's going on with the neighboring lots, they're close to five foot now; #4 the neighbors are in favor of it so the proposed setback will not cause detriment to the surrounding neighborhood; and #5 consistent with other properties.*

*Roll Call Vote: VanHouten: yes; Heilman: yes; Welch: yes; Mawson: yes; Boysen: yes;*

Yes: 5, No: 0. MOTION CARRIED

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**ZBA 22-10-022 PARCEL ID #08-16-120-001-01. 11136 Hastings Point Rd., Middleville MI 49333.** A request by property owner, Emil and Judy Przeklasa, for variance relief from the setbacks established by section 12.4 "Required Setbacks".

The subject site is approximately .333 acres in size. The property is currently zoned Gun Lake Residential Lake Front (GRLF) and the applicant is requesting relief to allow for the construction of an addition to an existing dwelling building that fails to meet the required setbacks.

Mark Thompson (PCI) shared that this is somewhat unique because the existing home is not within required setbacks already. They want to do an addition above the garage so continuing the non-conformity to the second story. The overhangs and foundation will stay the same, the height is the only thing changing.

*Motion by Mawson with support from Boysen to open the public hearing.* All ayes. MOTION CARRIED

The homeowner stated that they are not altering the footprint of the home at all but will be adding to the second story. The eaves on the lower building are not changing. None of the

MOTION TO APPROVE  
THE VARIANCE  
REQUEST

ZBA 22-10-022 Parcel ID  
#08-16-120-001-01  
Request by Emil and Judy  
Przeklasa

neighbors have expressed a concern with the sightline to the lake being blocked by the addition.

**Public Comment** (limited to 3 minutes): None

**Motion by Boysen 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.**

**PRACTICAL  
DIFFICULTY  
STANDARDS**

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 Heilman with support from Boysen to approve the variance as requested to build up, not to come any closer to the road, based on #3 that it would be a right commonly enjoyed by many of the neighbors as far as having a two-story; and #4 that the variance would not be detrimental to the adjacent properties and surrounding neighborhood as there were no comments or objections by anyone opposed to them building it.** Roll Call Vote: Boysen: yes; Mawson: yes; Welch: yes; VanHouten: yes; Heilman: yes.

**MOTION TO APPROVE  
VARIANCE**

Yes: 5, No: 0. MOTION CARRIED

**OLD BUSINESS:**

**OLD BUSINESS**

None

**PUBLIC COMMENT (limited to 3 minutes):**

**Rob Heethuis** (3525 Lisa Lane): At the board meeting on Thursday night, we are looking at several things that you have wanted us to look at, and one of them is the six points. Our attorney has given us a handout with a motion to bring that ordinance to the Planning Commission and we will also be talking about the generators and the air conditioners in the setbacks. We will also be directing to the Planning Commission the expansion of those pole barns. There will be a discussion and motions and I'm sure it will be sent to the Planning Commission. The work of finding a new Zoning person is being done and the package is complete and expect that to pass and then begin the search for the inhouse person. Good things will happen Thursday night.

**Mr. Heilman:** The Planning Commission has brought up issues regarding pole barn homes (barndominiums) that fall under the pole barn category but they are actually houses and a pole barn or garage below similar to one we just had. I'm seeing more of these around because they are cost effective and we need to take a look at these because there could be a lot of people not in compliance and we'll have a lot of unhappy people.

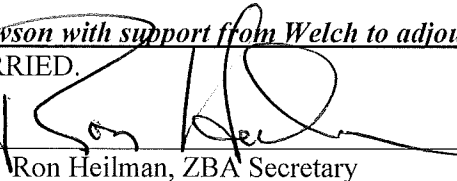
**Mr. VanHouten:** Asked about the six points being included in the ordinance and Mr. Heethuis said that the attorney has addressed them and will be part of the presentation on Thursday. After that it will need to be passed by the Planning Commission.

**ADJOURNMENT:**

Motion by Mawson with support from Welch to adjourn meeting at 6:38 PM. All ayes.

MOTION CARRIED.

Approved by:



Ron Heilman, ZBA Secretary

Date:

01/10/23

Respectfully submitted by:

Betsy Frigmanski, Recording Secretary  
October 12, 2022

**PUBLIC COMMENT**

**ADJOURNMENT**