

**YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
VIRTUAL Zoom MEETING
Tuesday, September 8, 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: Jim Courtney, Ron Heilman, John Frigmanski, Jake Welch, Dave VanHouten.

Absent with Notice: Pat Jansens has resigned.

PLEDGE OF ALLEGIANCE –

Present: Rebecca Harvey, Professional Planner, and Jake Eccleston –of YS Township Attorney’s Office (Bauckham, Sparks et al.)

Not Present: Eric Thompson- PCI, YS Zoning Administrator

Staff Present: Frank Fiala, Sandra Marcukaitis,

Visitors: 5 - not including staff present. (A few other visitors left the Zoom meeting after the K. Hale request was tabled -per request of K. Hale.)

REPORTS FROM REPRESENTATIVES:

Planning Commission: Not present. (Pat Jansens has resigned).

Board of Trustees: There is no Board Representative at this time.

APPROVAL OF MINUTES:

Motion by Courtney with support from Frigmanski to approve ZBA meeting minutes of both August 11, 2020 and minutes of August 12, 2020 as presented. ROLL CALL: Frigmanski: Yes, Courtney: Yes, Welch: Yes, Heilman: Yes, VanHouten: Abstained (due to being absent at the last meeting.) Yes: 4, No: 1, MOTION CARRIED.

PRIOR TO NEW BUSINESS:

At this point in the meeting, R. Harvey commented that Karen Hale (under OLD BUSINESS) requested that her request be tabled to the October meeting or next regularly scheduled meeting. Ms. Hale needs more information in order to present it to the ZBA regarding her request.

Motion to table Hale Request (ZBA 20-05-02) until October ZBA meeting or next scheduled meeting. ROLL CALL VOTE: Welch: Yes, Courtney: Yes, Heilman: Yes, Frigmanski: Yes, VanHouten: Yes. Yes: 5, No: 0. MOTION CARRIED.

Professional Planner Rebecca Harvey commented that the request does not have to be re-noticed if the request is tabled to a specific meeting (next regular meeting date) in the future.

CALL TO ORDER

ROLL CALL

PLEDGE

REPORTS FROM REPRESENTATIVES

APPROVAL OF MINUTES

Jane Jackson left the Zoom meeting after noting that there is a new property owner near Heritage Bay that will not be re-noticed.

NEW BUSINESS:

ZBA 20-08-05- Parcel ID 183-009-00. A request by Bruce Blanksma for a side yard setback for an outbuilding. Requesting an 11' setback to be allowed- currently, 25' required. (Address: 12151 Bowens Mill Road, Lot 9, Pine Wood Estates).

Bruce & Shelly Blanksma presented their request.

Motion to Open Public Hearing by VanHouten with support from Welch at 7:09 p.m.
Roll Call: Heilman: Yes, Welch: Yes, VanHouten: Yes, Frigmanski: Yes, Courtney: Yes.
Yes: 5, No: 0, MOTION CARRIED.

No public comment.

Motion to CLOSE Public Hearing at 7:12 p.m. by Heilman with support from VanHouten. Roll Call: VanHouten: Yes, Frigmanski: Yes, Heilman: Yes, Courtney: Yes, Welch: Yes. Yes: 5, No: 0. 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 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).

The ZBA reviewed the six standards of the Practical Difficulty test in relation to the variance request(s) this evening.

ZBA 20-08-05- Parcel ID 183-009-00

A request by Bruce Blanksma, 12151

Bowens Mill Rd.

Motion by Heilman with support from VanHouten to approve request with the property as it is, citing Standard #1) The topography and the location of the drain field represented unique circumstance of the property. Standard #4) It did not have a negative impact and there was specific reference made to the letters of support that were received specifically those from the property adjacent to the east. (Also, the property from the east was substantially far away and there was a line of vegetation there.) Standard #5) The proposed setback does continue to meet the intent and there were limited options available for compliance. ROLL CALL VOTE: Frigmanski: Yes, Courtney: Yes, Welch: Yes, Heilman: Yes, VanHouten: Yes. Yes: 5, No: 0. MOTION CARRIED.

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MOTION to APPROVE Request of B. Blanksma.

OLD BUSINESS:

ZBA 20-05-02 Parcel ID# 125-029-00. A request by Karen Hale of 1704 Heritage Bay Dr. to construct a new home that fails to meet the required setbacks in Section 12.4. Home to be built three (3) feet from the road.

** Please see motion to table this request just before NEW BUSINESS (above).*

OLD BUSINESS

ZBA 20-05-02 Parcel ID# 125-029-00 A request by Karen Hale of 1704 Heritage Bay Dr. (Tabled).

OTHER SUCH BUSINESS/OLD BUSINESS:

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

Discussion took place on getting information sooner. PCI was closed for 2 weeks (COVID-related) and therefore, the reports were not sent out earlier.

Also discussed: When an applicant comes in, "Why can't we get better drawings?"

OTHER SUCH BUSINESS/OLD BUSINESS:

PUBLIC COMMENT:

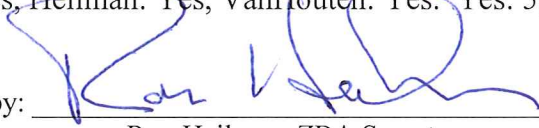
Frank Fiala asked R. Harvey and R. Harvey confirmed the setback is still measured from the overhang and this change was made with respect to the lot coverage calculation.

R. Harvey confirmed Fiala's comment that in the Rural Agricultural district, the Outbuilding section itself, did not establish a height standard in the RA. But the RA district does have a height standard of 40' unless it is a building used for agriculture. "The 12.7 does establish size limits for everything but the RA district," confirmed R. Harvey.

PUBLIC COMMENT

ADJOURNMENT: Motion by VanHouten with support from Welch to adjourn meeting at approximately 7:55 p.m. ROLL CALL VOTE: Frigmanski: Yes, Courtney: Yes, Welch: Yes, Heilman: Yes, VanHouten: Yes. Yes: 5, No: 0. MOTION CARRIED.

ADJOURNMENT

Approved by:  Date: 10/13/2020
Ron Heilman, ZBA Secretary

Approved by: _____ Date: _____
Janice C. Lippert, Township Clerk

Respectfully submitted by:
Deb Mousseau
Recording Secretary, 9/8/2020