

YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
 VIRTUAL Zoom MEETING ONLY
Tuesday, December 8, 2020

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

MINUTES

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 ZBA
 12/8/2020

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

Roll Call: Virtually Present: VanHouten at Rock Dr., Heilman at Johnson Dr., Welch at N. Payne Lake Rd., Boysen at Payne Lake Rd., John Frigmanski at Pine Meadows Dr.

Absent with Notice: Pat Jansens has resigned.

PLEDGE OF ALLEGIANCE –

Present: Rebecca Harvey, Professional Planner (at Residence).

Present: Eric Thompson- PCI, YS Zoning Administrator (at Residence).

Staff Present: Sandra Marcukaitis at N. Payne Lake Rd.

Visitors: 1 (VanSolkema) - not including staff present.

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 Heilman with support from Welch to approve ZBA meeting minutes of November 10, 2020 as presented. Roll Call Vote: Frigmanski: Yes, Boysen: Yes, Welch: Yes, VanHouten: Yes, Heilman: Yes. Yes: 5, No: 0, MOTION CARRIED.

Motion by VanHouten with support from Boysen to approve ZBA meeting minutes of June 9, 2020 as presented. ROLL CALL: Welch: Yes, Boysen: Yes, Frigmanski: Yes, VanHouten: Yes, Heilman: Yes. Yes: 5, No: 0, MOTION CARRIED.

NEW BUSINESS:

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

Measurements for Front/Waterside determination was noted as an average setback of 30' 4". So variance for front/waterside setback is not required.

Eric Thompson commented on finding a bit of an anomaly with lot for this site plan.

CALL TO ORDER

ROLL CALL

PLEDGE

REPORTS FROM REPRESENTATIVES

APPROVAL OF MINUTES

Parcel ID 210-002-00
 A request by Dan Van Solkema of 11635 Rock Drive, Middleville, MI

Motion to OPEN Public Hearing by Heilman with support from Boysen at 7:12 p.m.

Roll Call Vote: Heilman: Yes, Welch: Yes, VanHouten: Yes, Frigmanski: Yes, Boysen: Yes. Yes: 5, No: 0, MOTION CARRIED.

Dan VanSolkema commented on the new measurements and sketch presented by Eric Thompson.

Motion to CLOSE Public Hearing by VanHouten with support from Welch at 7:21 p.m. Roll

Call Vote: Frigmanski: Yes, Boysen: Yes, Welch: Yes, Heilman: Yes, VanHouten: Yes. Yes: 5, No: 0. MOTION CARRIED.

Jake Welch, Chairman, read the Practical Difficulty Standards and each standard was considered. The ZBA discussed the request as they went through each standard and included review comments of R. Harvey simultaneously.

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.

BOARD DELIBERATION TOOK PLACE.

**No other recent correspondence on this request has been received according to Eric Thompson. Applicant, Dave VanSolkema, is the only visitor at tonight's Zoom/Virtual only ZBA Meeting this evening.*

Initially, a motion was made by Boysen to approve request based on criteria standards: #1, #2, and a portion of #4. Discussion regarding visibility sight lines occurred and concern regarding further additions to the building was voiced. The motion was "killed" at this point and a new motion was made as follows:

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MOTION to APPROVE

DISCUSSION OF THE ANNUAL REPORT

OTHER SUCH BUSINESS/OLD BUSINESS:

PUBLIC COMMENT

ADJOURNMENT

Motion by Welch with support from Frigmanski to approve a 15' variance to the 25' street side setback due to the visibility sight lines on the lake side, as well as, the fact that it is only a very small portion of the home (for: Parcel ID 210-002-00. Dan VanSolkema of 11635 Rock Drive, Middleville). Roll Call Vote: Frigmanski: Yes, Boysen: Yes, Welch: Yes, Heilman: Yes, VanHouten: Yes. Yes: 5, No: 0. MOTION CARRIED.

DISCUSSION OF THE ZBA ANNUAL REPORT

Wording of #2 of Major 2020 Objectives may need re-wording as it is a little awkward. (Possibly change to: "If the ZBA is continually receiving variance requests on the same item, refer that item to the PC for study to determine if our ordinances need to be modified to make it more compatible with the needs of our citizens." (Recommended by D. VanHouten).

It was noted that Major 2020 Objectives should be Major 2021 Objectives.

Discussion took place on #5 of Major 2020 Objectives: (Possible Change: "Support the fair and consistent enforcement of the Zoning Ordinance". (Recommended by R. Harvey).

Adding of a #6. "Require complete application submission." -(Recommended by R. Harvey).

*It was noted that Sandy M. will make changes and send it back out to ZBA members.

OTHER SUCH BUSINESS/OLD BUSINESS:


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

It was briefly discussed and decided that the voting of ZBA officers/positions will take place at the next ZBA meeting (In January).

PUBLIC COMMENT: NONE

ADJOURNMENT: Motion by Boysen with support from Heilman to adjourn meeting at approximately 8:09 p.m. ROLL CALL VOTE: Boysen: Yes, Welch: Yes, VanHouten: Yes, Frigmanski: Yes, Heilman: Yes. Yes: 5, No: 0. MOTION CARRIED.

Approved by:  Date: 01/12/2021
Ron Heilman, ZBA Secretary

Approved by:  Date: 1/13/2021
Michael S. Cunningham, Township Clerk

Respectfully submitted by:
Deb Mousseau - Recording Secretary, 12/8/2020