

**YANKEE SPRINGS TOWNSHIP  
 ZONING BOARD OF APPEALS  
 MEETING  
Tuesday, July 13, 2021  
 6:00 PM  
 Yankee Springs Township Hall  
 284 North Briggs Road, Middleville, Michigan 49333**

**MINUTES**

MINUTES  
 Page 1 of 3  
 ZBA Meeting  
 July 13, 2021

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

**PLEDGE OF ALLEGIANCE**

**Roll Call:** Present: Dave VanHouten, Ron Heilman, Bill Stoub, Jake Welch, John Frigmanski

**Absent with notice:** John Jerkaitis

**Staff Present:** Sandra Marcukaitis, Eric Thompson

**Visitors:** 3

**REPORTS FROM REPRESENTATIVES:**

**Planning Commission:** John Frigmanski, PC rep to the ZBA: Request for an accessory building on Oakleigh Drive which was approved. There was a worksheet put together on private roads which the PC will be discussing at the next meeting. The next major project will be to discuss the wind and solar requirements of the township.

**Board of Trustees:** Dave VanHouten, Board Trustee: Applied for ARPA funds; township tax bills have been mailed; Park has been approved to spend up to \$1000 to update the plan; Fleis and Vandenbrink are going to update the wellhead protection plan; renewed the assessor's contract; approved testing of two wells outside the water system for PFAS. The next blood drive will be 8/25 at the Fire Station.

**APPROVAL OF MINUTES:**

**Motion by Frigmanski with support from Van Houten to approve ZBA meeting minutes of June 8, 2021. All approved.**

Yes: 5, No: 0. MOTION CARRIED

**NEW BUSINESS:**

**ZBA 21-07-05 Parcel ID 125-047-00** A request by Ronald VanNoord of 1573 Heritage Bay Drive for variance setback relief so that a home can be built.

**Public Comment:**

**Motion by Heilman with support from Frigmanski to open the session.** Applicant is requesting that the setbacks be figured from the structure and not from the eaves. The existing home has

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**REPORTS FROM REPRESENTATIVES**

**APPROVAL OF MINUTES**

**NEW BUSINESS**

**ZBA 21-07-05 Parcel  
 ID 125-047-00  
 REQUEST BY  
 RONALD VAN  
 NOORD**

been used primarily as a cottage and now the owners desire to build a new home on the property to be a year-round primary residence. The applicant met with PCI in 2019 and determined that the front setback would be 23'6", the rear would be 10' and the sides would be 5'3 on each side. Now the applicant has a plan that they want to have approved but their plans figured the setbacks to the structure rather than the eaves. Without a variance they will not be able to build their house as planned.

Discussion: At this time the board conferred with the applicant and his son, Ron VanNoord, who will be the contractor on the project and questions were posed and answered. The request is for a variance of 1 foot on the garage side and 2 feet on the house side. Everything else would be within the setbacks. The existing home is within the setback requirements. Eric Thompson told the applicant he felt the proposed house does not require a variance for the front setback and he is willing to approve it as is. Heilman asked why the lot was not staked but Thompson said he did not ask the applicant to stake it as they had a professional survey.

Motion by VanHouten with support from Welch to close the public comment. All ayes.

Yes: 5, No: 0. MOTION CARRIED

Jake Welch read the Practical Difficulty Standards and each standard was considered along with the review of the request presented by R. Harvey, Professional Planner. 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 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 by Heilman with support from Frigmanski to approve the appeal for the variance as written based upon Points 3 and 4. Discussion: Could the motion be amended to be more

MOTION TO  
APPROVE REQUEST  
FOR VARIANCE  
RELIEF

specific about what is being approved? Amended motion: Motion by Heilman with support from Frigmanski to approve the appeal for a variance of one foot on one side and two feet on the other side based upon Points 3 and 4. Roll Call Vote: Frigmanski: yes; Welch: yes; Stoub: no; Van Houten: yes; Heilman: yes.

Yes: 4, No: 1. MOTION CARRIED.

Discussion: Is the requirement of measuring to the eaves rather than the foundation the usual manner? Per Eric that is unique to Yankee Springs. The other communities he works with all measure to the foundation with a maximum eave size allowed.

Motion by Frigmanski with support from Welch to notify the Planning Commission that most communities do not measure to the eave but to the structure of the building. Roll Call Vote: Frigmanski: yes; Welch: yes; Stoub: yes; Heilman: yes; Van Houten: yes.

Yes: 5, No: 0. MOTION CARRIED.

**OLD BUSINESS:**

None.

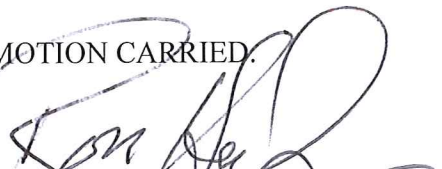
**BOARD COMMENTS:**

None.

**ADJOURNMENT:**

Motion by VanHouten with support from Welch to adjourn meeting at 6:44 PM. Approved by all.

Yes: 5, No: 0. MOTION CARRIED.

Approved by:  Date: 09/14/2021  
Ron Heilman, ZBA Secretary

Approved by:  Date: 9/14/2021  
Michael S. Cunningham, Township Clerk

Respectfully submitted by:  
Betsy Frigmanski, Recording Secretary  
July 19, 2021

MOTION TO NOTIFY  
PC REGARDING  
MEASUREMENT OF  
SETBACKS TO THE  
EAVES

OLD BUSINESS

BOARD COMMENTS

ADJOURNMENT