

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP ZONING BOARD OF APPEALS <u>Tuesday, April 8, 2025</u> 6:00 PM Yankee Springs Township Hall 284 N. Briggs Rd., Middleville, MI 49333 MINUTES </p>	<p style="text-align: center;"> <u>FINAL MINUTES</u> Page 1 of 4 ZBA Meeting April 8, 2025 </p>
<p>Meeting called to order at 6:00 PM by Jake Welch</p> <p>PLEDGE OF ALLEGIANCE</p> <p>Roll Call: Dave VanHouten, John Frigmanski, Ron Heilman, Jake Welch, Mike Boysen, Tom Mawson (alternate) (All Present)</p> <p>Staff Present: Joe Shea, Sandy Marcukaitis, Dennis Buist</p> <p>Visitors: 6</p>	<p>CALL TO ORDER</p> <p>PLEDGE OF ALLEGIANCE</p> <p>ROLL CALL</p>
<p>REPORTS FROM REPRESENTATIVES:</p> <p>Planning Commission: Mr. Frigmanski gave an update on the recent meeting:</p> <ul style="list-style-type: none"> • Discussion took place regarding the master plan and ponds and mining. <p>Board of Trustees: Mr. VanHouten shared the following board actions:</p> <ul style="list-style-type: none"> • Restroom renovations will begin on 4/18 with a completion date of 5/30. • Hazardous waste drop-off at the fairgrounds will be May 17 and September 30. • Park improvements will start in two weeks with completion by June 26. • Ambulance service through Thornapple Township starts at midnight on April 10. • Spring cleanup is Saturday, April 26. 	<p>REPORTS FROM REPRESENTATIVES</p>
<p>INQUIRY ON CONFLICT OF INTEREST:</p> <p>Mr. Welch inquired if there are any conflicts of interest with the board regarding the cases on tonight's agenda. Roll Call: VanHouten: No, Heilman: No, Frigmanski: No, Welch: No, Mawson: No, Boysen: No.</p>	<p>CONFLICT OF INTEREST</p>
<p>APPROVAL OF MINUTES:</p> <p><u>Motion by Boysen with support from Frigmanski to approve the minutes from the January 14, 2025 meeting as presented.</u> All ayes. MOTION CARRIED.</p>	<p>APPROVAL OF MINUTES 01/14/2025</p>
<p>NEW BUSINESS:</p> <p>ZBA 25-01-01; Parcel ID 16-030-003-00; 2751 Russell Road and 2753 Russell Road, Wayland MI 49348. The property is zoned Gun Lake Residential Lakefront. The property owner, Benjie Vista, requests a variance to allow division of this parcel into two parcels pursuant to Article XX of the Yankee Springs Township Zoning Ordinance.</p>	<p>ZBA 25-01-01 REQUEST BY BENJIE VISTA</p>

Joe Shea (Zoning Administrator) gave an overview of his report on this case:

- It is a parcel that has two dwellings on one piece of property which is a non-conformity under our zoning ordinance.
- Mr. Vista is asking to be allowed to split this property into two parcels with one dwelling on each parcel. This would make two non-conforming properties as the parcels would not meet the 75' width requirement under GLRLF nor the 12,000 square foot minimum. The width of the parcels would be 55' and 43' if split.
- However, there are many lots in the area that do not meet the current minimums and are about the size that these two lots would be if split.

Motion by Heilman with support from VanHouten to open public hearing 6:05 PM. All ayes. MOTION CARRIED.

Mr. Vista shared that he had discovered that at one time the parcel was two separate properties and it was combined into one, which made it a non-conforming property. His goal is to make it similar to other lots in the neighborhood with one single family dwelling on each parcel. When he purchased the property, he was not told that there was a problem with the dwellings and so he proceeded with the renovations.

Mr. Heilman commented that the trend around Gun Lake is for people to buy small lots and combine them to allow for bigger homes. He asked the applicant how splitting it is a benefit to the property owner as he does not feel it is a benefit to the township to allow the split. Mr. Vista said the township would benefit by having two properties and two taxpayers. One of the homes is only one year old so it does not seem economically feasible to have it torn down. The benefit to Mr. Vista is to be able to sell one or both of the homes.

Motion by Heilman with support from Boysen to close the public hearing at 6:12 PM. All ayes. MOTION CARRIED.

Discussion by the Board members occurred. To approve a variance, it must be shown that compliance with the zoning ordinance would result in "practical difficulty" by proving all five of the following elements. Each of these elements were reviewed and discussed.

1. *That the alleged plight of the landowner is due to the unique circumstances of the property that do not generally apply to other properties in the area.*
2. *That a literal interpretation of the provisions of the zoning ordinance would unreasonably prevent the landowner from using the property for a permitted purpose or would render conformity with such provision unnecessarily burdensome.*
3. *That the variance, if granted, would not be significantly detrimental to adjacent property and the surrounding neighborhood.*
4. *That the request, or a lesser relaxation of the ordinance standards, would provide substantial justice to the landowner and neighbors.*
5. *That the alleged plight of the landowner is not self-created.*

Motion by VanHouten with support from Boysen to approve a variance allowing the split of the parcel into two lots. The variance would be for the southern lot to be 5,400 sq feet and the northern parcel to be 6,324 sq feet, all based on the five findings which apply to all of them. Roll Call Vote: Boysen: yes; Welch: yes, Frigmanski: yes, Heilman: yes, VanHouten: yes.

Yes: 5, No: 0. MOTION CARRIED.

**MOTION TO
APPROVE VARIANCE**

**ZBA 25-03-02 APPEAL
BY ERICK LEEP AND
SUSAN FOX**

ZBA 25-03-02; Parcel ID 16-030-040-51; 2173 Mac Drive, Wayland MI 49348. The owners, Erick Leep and Susan Fox, appeal the decision of the Zoning Administrator requiring them to remove an outbuilding constructed without a zoning permit in violation of Articles V and XII of the Yankee Springs Township Zoning Ordinance.

Joe Shea (Zoning Administrator) gave an overview of his report on this case:

- The structure was built without a building permit.
- A violation letter was written requiring the structure be removed and they are appealing that decision.

The board members discussed that a request was made to the Planning Commission to make a decision on an ordinance for shipping containers when this matter originally arose.

Motion by Heilman with support from VanHouten to open the public hearing at 6:26 PM. All ayes. MOTION CARRIED

Ms. Fox presented their appeal. They believed that when the process of building the carport was began the township was vague as to what was allowed with regard to the shipping containers. The carport they constructed is aesthetically pleasing, durable and provides a safe storage area. In looking around the area, they do see a lot of containers being used (pictures were provided with their application). They would like to be allowed a zoning permit to finish the construction. If they are required to take down the carport she asked if they would be allowed to keep the containers in a way that wouldn't show that they were originally shipping containers. She is asking for this carport to be allowed or "grandfathered in" for future rulings.

Mr. Boysen asked Ms. Fox if they had gotten a building permit before construction began and she responded that they did not, as she believed Mr. Leep thought it would fall under the portable structure rule. She stated they only have one neighbor on their dead-end road that passes by the carport and he has already appeared at a meeting to say he supports it.

Mr. Heilman asked if the applicants had attended the PC meeting when the ordinance regarding containers was discussed. They did not attend. Ms. Fox stated that Mr. Leep was told he could "proceed with caution" or "at his own risk" at one of the earlier ZBA meetings. They thought the decision would be about how shipping containers would be handled, not that they would have to remove it. The Planning Commission made their decision that shipping containers are not allowed in their zoning district and this ordinance was adopted by the Board of Trustees on December 12. The applicant stated that they are here tonight to get a building permit. It was explained that tonight's decision by the Board is not to issue a permit, but to decide if the Zoning Administrator took the correct action when he issued the violation.

Mr. Shea stated that the ZBA made a decision in May 2024 that a storage container is not considered a structure or an outbuilding and is not allowed in residential areas. Then the matter went to the Planning Commission and the ordinance was passed not allowing them. He reiterated that the issue is that the building was built without a permit and therefore should be removed. It is not a matter of the type of building. He also shared that he has a letter from a neighbor, Mr. Brown, who states that it is a nice-looking building and he is in favor of approving allowing it to be completed.

Motion by Boysen with support from Frigmanski to close the public hearing at 6:37 PM. All

ayes. MOTION CARRIED.

Discussion by the Board members occurred.

Mr. Boysen expressed his opinion that the Planning Commission should provide more verbiage to allow storage containers to be used when they are modified to not be storage containers. Mr. Heilman responds that it is difficult to define what is aesthetically pleasing in an ordinance. The Planning Commission already made their recommendation but the ZBA can ask for it to be revisited.

Mr. VanHouten reviewed the time line of the meetings where negative responses were given to the applicants. The issue is the lack of a building permit, not whether or not the carport looks nice. This case is to review the zoning administrator's decision.

Motion by VanHouten with support from Frigmanski that based on the background dates and the history of it we affirm the decision of the zoning administrator. Roll Call Vote:

VanHouten: yes, Heilman: yes, Frigmanski: yes, Welch: yes, Boysen: yes.

Yes: 5, No: 0. MOTION CARRIED.

OLD BUSINESS:

- Mr. Heilman requested an update on the Spoor case. Per Mr. Shea, the township attorney has written a letter requiring that the non-compliant structures be removed within 30 days and if that doesn't happen citations will be issued.
- Additional discussion took place regarding whether the Planning Commission should revisit the definitions of storage containers and their use. The difficulty is that there are no building standards in the building code to apply to these structures. It was decided not to make the request at this time.
- With regard to the car park, Mr. VanHouten says it is in process and he has complied with the process to date. Next inspection will take place April 15.

PUBLIC COMMENT:

None

ADJOURNMENT:

Motion by VanHouten with support Boysen from to adjourn at 6:50 PM. All ayes. MOTION CARRIED

Approved by: _____

Ron Heilman

Date: _____

12/18/2025

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
April 9, 2025

FINAL MINUTES

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**MOTION TO AFFIRM
DECISION OF ZONING
ADMINISTRATOR**

OLD BUSINESS

PUBLIC COMMENT

ADJOURNMENT