

YANKEE SPRINGS TOWNSHIP
ZONING BOARD OF APPEALS
Tuesday, September 3, 2024
6:00 PM
Yankee Springs Township Hall
284 N. Briggs Rd., Middleville, MI 49333

FINAL MINUTES
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 ZBA Meeting
 September 3, 2024

MINUTES

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call: Dave VanHouten, Ron Heilman, Jake Welch, Tom Mawson, Mike Boysen (All Present)
 Absent with Notice: John Frigmanski

Staff Present: Joe Shea – Zoning Administrator; Catherine Kaufman – Attorney for Yankee Springs Township; Erin Geschwendt of Bauckham, Thall, et al; Sandy Marcukaitis, Mike Cunningham (attending as township resident)

PLEDGE OF ALLEGIANCE

Visitors: 21 (not including staff present)

REPORTS FROM REPRESENTATIVES:

REPORTS FROM REPRESENTATIVES

Planning Commission: No report - Mr. Frigmanski absent with notice.

Board of Trustees: Mr. VanHouten commented that at last BOT meeting on August 8, 2024 the board approved: a land split on Old Mill Road, the installment of four (4) doors at the fire station, renovation of the kitchen project of the township hall, and the next Blood Drive will be at the Fire station on Wednesday, September 11th.

CONFLICT OF INTEREST

INQUIRY ON CONFLICT OF INTEREST:

Mr. Welch inquired if there are any conflicts of interest with the board regarding the three (3) cases/appeals on tonight's agenda. **Roll Call:** Boysen: No, Mawson: No, Welch: No, Heilman: No, VanHouten: No.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES 08/13/2024

Motion by Mawson with support from Boysen to approve the minutes from the August 13, 2024 meeting as presented. All ayes. MOTION CARRIED.

CLOSED SESSION: ZBA members with Catherine Kaufman, Township attorney (6:04 PM)

Motion by Boysen with support from Heilman to move that the ZBA meet in a closed session under Section 8 (1) (h) of the Open Meetings Act, pursuant to Section 13(1)(g) of the Freedom of Information Act, to consult with our attorney regarding a written legal opinion. **Roll Call Vote:** Boysen: Yes, Mawson: Yes, Welch: Yes, VanHouten: Yes, Heilman: Yes.

MOTION TO MOVE INTO CLOSED SESSION TO CONSULT WITH ATTORNEY

No: 5, Yes: 0, Absent: 1. MOTION CARRIED

RETURN from CLOSED SESSION/RESUME REGULAR MEETING:

Motion by Heilman with support from Boysen to come out of closed session (at 6:42 p.m.).

All Ayes. MOTION CARRIED.

NEW BUSINESS:

ZBA 24-07-07 Parcel ID 16-215-034-00, 11299 Oakleigh Drive, Middleville. Honey B Holdings LLC, c/o Angela Cassidy, is appealing from the decision of the Zoning Administrator denying her application for a commercial short-term rental pursuant to the Township Zoning Ordinance, *Article X, Short Term Rentals*.

Patrick Sweeney (Attorney for Angela Cassidy) presented the request. The appeal is based on Ms. Cassidy having a valid STR permit that showed an expiration date of March, 2023, and when she contacted PCI regarding renewal of this permit, she was told that it was valid until 2024.

Joe Shea referred the Board to his written report for this case.

Motion by VanHouten with support from Heilman to open the Public Hearing at 6:50 PM. All ayes. MOTION CARRIED.

Three letters were read into the record by ZBA Chair, Jake Welch.

- Letter of support from Ben and Julie Tappenden, 11283 Oakleigh Drive, emailed 8/29/2024
- Letter of support from Lori Lyth-Frantz, emailed 08/30/2024
- Letter of support from Sarah Dicks, emailed 08/31/2024

Motion by Boysen with support from VanHouten to close the Public Hearing at 6:58 PM. All ayes. MOTION CARRIED.

Angela Cassidy commented on her dialog with PCI and then with Yankee Springs Township after PCI was no longer doing zoning administration work for the township. She said she was told twice that her permit was valid until 2024. She had no idea that there was any issue until she called the township to renew the permit in June of 2024.

Motion by Boysen with support from Welch to overturn Zoning Administrator, Joe Shea's decision and allow A. Cassidy to have STR permit. *Roll Call Vote: Boysen: Yes, Mawson: Yes, Welch: Yes, Heilman: No, VanHouten: No.*

Yes: 3, No: 2, Absent: 1. MOTION CARRIED.

ZBA 24-07-06, Parcel ID 16-217-015-00, 12491 Park Drive, Wayland. Gerald L. Spoor, Jr., is appealing the decision of the Zoning Administrator finding several violations of the Township Zoning Ordinance, *Section 3.8.1. C Permitted Uses; 3.8.1 G Docks and other Temporary Boat Shelters; and Article XII Zoning and Building Permits Required and Setback Requirements*.

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ZBA 24-07-07 Parcel ID 16-215-034-00 Appeal by Honey B Holdings LLC

MOTION TO OVERTURN DECISION OF ZA AND ALLOW THE STR PERMIT

ZBA 24-07-06 Parcel ID 16-217-015-00 Appeal by Gerald L. Spoor Jr

Lucas Spoor presented his appeal. He has received a letter from the township stating that there are five (5) different violations on his property. He reviewed each alleged violation and his denial of each one. He supplied pictures to support his comments.

Catherine Kaufman responded to Mr. Spoor's comments and provided information regarding zoning ordinance enforcement and administration. She explained that if a use is not listed as allowable in a zoning ordinance, it is prohibited.

Motion by Heilman with support from VanHouten to open the Public Hearing at 7:33 PM. All ayes. MOTION CARRIED.

James Piaskowski (12861 Sunrise Court): commented that the structure sticks out in the water right at the mouth of where the channel meets the lake. Two boats cannot go by any more and it's constricting the waterway.

Dave Van Laar (2783 Park Dr): commented he has a full-size pontoon boat and three boats can get by the structure.

Lucas Spoor commented regarding Part 91 of EGLE permitting process.

John Brown (12993 Valley Drive): commented that he doesn't access the area but said that the width is wider than any part of the channel he lives on and he's driven with three boats wide past the property. J. Brown also noted concern about permanent structure verbiage (if not mentioned, it is not allowed – by C. Kaufman). J. Brown would like hear about this at some point in the future.

Lucas Spoor noted having 130 photos of permanent dock, lifts, and structures.

Two letters were read into the record by ZBA Chair, Jake Welch.

- A letter in opposition from Alex and Doreen Marcenik (Sunrise Court), emailed 08/30/2024.
- A letter in opposition from Jeff Davies (12852 Sunrise Court), emailed 08/30/2024.

Matt Heeren (12482 Park Dr.): attests that there is plenty of room available for navigating two boats by the structure. There are several people that have docks that are in the water year-round. He feels that he (Mr. Spoor) is being treated unfairly and that if Spoor is in violation than several people need to get violations.

Motion by Heilman with support from VanHouten to close the Public Hearing at 7:43 PM. All ayes. MOTION CARRIED.

Discussion occurred with the Zoning Administrator.

Motion by VanHouten with support from Boysen to uphold Zoning Administrator's decision that the docks, temporary boat shelters, boat lift, gas tank, everything is a zoning violation.

Roll Call Vote: Boysen: Yes, Mawson: Yes, VanHouten: Yes, Heilman: Yes, Welch: No.

Yes: 4, No: 1. MOTION CARRIED.

**MOTION TO UPHOLD
DECISION OF THE
ZONING
ADMINISTRATOR**

OLD BUSINESS:

ZBA 24-06-03 Parcel ID 16-030-003-10 2737 Russell Drive and Parcel ID 16-030-003-00 2751 Russell Drive, Wayland, MI 49348 The owner of the properties, Benjie Vista, is appealing from the decision of the Zoning Administrator denying his application for commercial short-term rentals at the above addresses.

David Tripp (attorney for Benjie Vista) presented the appeal. Mr. Vista would not have purchased the properties had he not been told that he would be able to use them as short-term rentals. He feels that these properties fall under the "grandfathered" clause of the ordinance.

Benjie Vista shared the background of the decisions he made based on the permits being allowed.

Motion by VanHouten with support from Heilman to open the Public Hearing at 8:28 PM. All ayes. MOTION CARRIED.

No comment.

Motion by Boysen with support from Mawson to close the Public Hearing at 8:29 PM. All ayes. MOTION CARRIED.

Motion by VanHouten with support from Boysen to affirm Zoning Administrator's decision to grant the STR permits for 2737 and 2753 Russell Drive; to reverse the Zoning Administrator's decision for 2739 and 2741 Russell Drive and give STR permits for 2739 & 2741 because they were issued in 2023 and so are deserved; and affirm ZA's decision to not allow a STR permit on 2751 which did not have a 2023 permit. Roll Call Vote: VanHouten: Yes, Heilman: Yes, Welch: Yes, Mawson: Yes, Boysen: Yes.

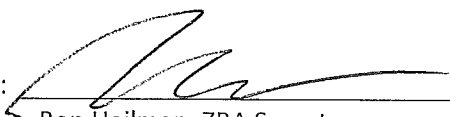
Yes: 5, No: 0, Absent: 1. MOTION CARRIED.

PUBLIC COMMENT:

None.

ADJOURNMENT:

Motion by Boysen with support from Heilman to adjourn at 8:43 p.m. All ayes. MOTION CARRIED

Approved by:  Date: 1/14/25
Ron Heilman, ZBA Secretary

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
September 4, 2024 per audio

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OLD BUSINESS

ZBA 24-06-03 Parcel
ID 16-030-003-10
Appeal by Benjie
Vista

MOTION TO AFFIRM
ZA'S DECISION
REGARDING 2737,
2753, AND 2751
RUSSELL DR. AND
REVERSE THE ZA'S
DECISION FOR 2739 &
2741 RUSSELL DR.

PUBLIC COMMENT

ADJOURNMENT