

Zoning Board of Appeals

June 2, 2022

Meeting called to order by Kathy Cairns at 7 pm.

Pledge of allegiance.

Roll Call Zoning Board of Appeal Members present: Kathy Noble, Kathy Cairns, Melissa Gillhooley and alternate Jeff Middlestead.

Audience in attendance: Laura and Doug Yntema, Lynda and Jim Garlitz; Dave Brunett, Burt Menard and Mark Eitrem. Via phone: Attorney Eric Riess.

OLD BUSINESS: Revisit of the Yntema appeal from 2021. Kathy Cairns asked Attorney Riess for an update as Mr. and Mrs. Yntema had not yet arrived. Mr. Riess started to explain their position when Mr. and Mrs. Yntema walked in.

Mr. and Mrs. Yntema voiced concern as to why they had not heard from Mr. Menard. After the August 18 meeting Supervisor Eitrem asked if Doug Yntema would stay on the island until Monday and asked Mr. Menard to go down and meet to discuss/suggest any alternate plans. At 9:50 pm Sunday night Kathy Cairns called to inform the Yntema's that Mr. Menard would not be coming down on Monday to develop a solution or comprise. Per the Yntema's, several attempts were made to reach out to Mr. Menard to discuss any other plans to keep their project intact. Mr. Menard declined and stated it was in the board's hands, based on what Mr. Yntema told us.

Mr. Yntema asked the zoning board of appeals members if they had received the updated packet of information. We had.

Kathy Cairns stated if it's attached at the roof, it's a structure. The Yntema's said they would "unattached" the roof line and willing to send pictures to Mrs. Cairns as evidence that it was no longer attached. Mrs. Cairns stated we are not in the business of policing to make sure they are complying. Mrs. Cairns also commented that she did not trust Mr. Yntema based on prior conversations. There was also a comment made about tax increases, which was not correct. Mrs. Cairns said taking pictures were not enough to prove that the structure was not re attached.

Kathy Noble asked Mr. Menard about a solution, Mr. Menard said if it is a separate building it needs to be 10 feet from any other building. The discussion continued about how it could be a separate building, being there is only 12 feet on the west side and 11 feet on the east side available, per Mrs. Cairns.

Attorney Riess asked Mr. Yntema if he had changed the original footprint, he did not. Mrs. Cairns stated it was an addition then Attorney Riess said Mrs. Cairns had a predetermined opinion about this meeting. She was offended and felt assaulted by that comment.

A discussion ensued as to the ability to detach the porch, move it to the front of the house but the separate building requirements came into play as well as the high-water mark. The original application was denied based on the high-water mark.

Lots of back and forth about the high-water mark and datum point elevation.

Attorney Riess suggested to Mr. Yntema to take this to court.

PUBLIC COMMENT: Mr. Middlestead said this is an isolated situation and asked about prior builds and gazebos that are erected within the high-water mark setback, simply put, past practice.

Mrs. Cairns commented that the zoning ordinances have not been updated recently. Also referenced Senate Bill 61 that was voted down which was to do away with the high-water mark. Also mentioned that Neebish Island and Sugar datum points are the same.

Mr. Yntema brought in the windows currently installed on the porch to show how lightweight they are and not a pollution hazard.

Mr. Menard commented that he already denied the initial application and now out of his hands.

DECISION:

Kathy Noble – roof is attached, footprint has changed and is now different – No

Kathy Cairns – No

Melissa Gillhooley – Yes

Based on a conversation with the township attorney, Kathy Cairns has the authority to implement a 45-day notice to remove the structure. If the Yntema's plan to appeal this decision that puts a stay on the 45 days.

Motion made by Kathy Noble, seconded by Kathy Cairns to adjourn meeting.

Meeting adjourned at 8:04 pm.

Submitted,

Melissa Gillhooley, Secretary