

**MEETING MINUTES OF THE GAINES CHARTER TOWNSHIP ZONING BOARD OF APPEALS  
FOR THE REGULAR MEETING HELD ON  
SEPTEMBER 12, 2018  
AT THE GAINES CHARTER TOWNSHIP OFFICES  
8555 KALAMAZOO AVENUE SE • CALEDONIA, MICHIGAN 49316**

**I. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 7:05 p.m. by Chair Werkema. A quorum was present.

**MEMBERS PRESENT:** Michael Alex Brew, Don Hilton, Connie Giarmo, Tom Werkema, Phil Tietz

**MEMBERS ABSENT:** Ruth Ringnalda (with notice)

**OTHERS PRESENT:** Matt McKernan, Assistant Planner

**II. CONSIDERATION OF MEETING AGENDA**

None

**III. CONSIDERATION OF MEETING MINUTES**

August 8, 2018 – Regular Meeting Minutes

**MOTION:** By Member Giarmo supported by Member Tietz to approve the minutes for the August 8, 2018 Regular Meeting.

**Ayes:** Giarmo, Brew, Hilton, Tietz, Werkema

**Nays:** None

**Abstain:** None

**Motion:** Passed

**IV. INQUIRY OF CONFLICT OF INTEREST**

None

**V. ADVERTISED PUBLIC HEARINGS:**

**1. 118 72nd Street SE (R-3)**

*The request is for a dimensional variance from Section 7.3 of the GCTZO to allow for an addition to the east side of the home. The existing setback is 18 feet where 35 feet is required. The addition will maintain the existing 18 foot setback.*

**Christine Andrie, 118 72<sup>nd</sup> Street SE**

Andrie would like to make alterations to her home at 118 72<sup>nd</sup> Street to allow her to take in and care for her ailing mother. Andrie would like to enclose her front porch and convert it to a living room. This will require an eight foot addition to the northeast corner of the house. Andrie informed that ZBA that the staff report failed to mention that she would also be making a small 2 foot extension to the northwest corner of her home as well.

Assistant Planner McKernan explained that the applicant is requesting to create an addition to her home that would extend, but not expand an existing legal nonconforming front yard setback. The home was constructed prior to the enactment of current front yard setback standards and was setback 18 feet from the 72<sup>nd</sup> Street right-of-way. A 35 foot front yard setback would be required today. The variance would not be considered a self-created hardship due to the fact that the original home owner could not have anticipated what setbacks would be required prior to the enactment of the zoning ordinance. The applicant's request is the most logical means of facilitating her need for additional space to care for her ailing mother. McKernan noted that he had misinterpreted the applicant's site plan and had missed that she was planning to add a 2 foot expansion to the northwest corner of the home as well. McKernan stated that this detail does not significantly alter the applicant's request. The addition to the northwest meets the side yard setback standard for the RL-10 district and does not extend any further toward 72<sup>nd</sup> Street than the rest of the house.

Chair Werkema opened and closed the public hearing at 7:08 pm.

The Zoning Board of Appeals asked Andrie if she had her request evaluated by contractors. Andrie stated that she had several bids from contractors and was weighing several different cost options.

The Zoning Board of Appeals asked Assistant Planner McKernan about driveway setbacks, expiration of variances, and whether allowing her mother to live with her constituted a change of use for the home. McKernan explained that there were no setback requirements for driveways from houses or property lines and that the applicant's proposed driveway alterations would be permitted. McKernan explained that variances run with the property so long as the conditions upon which the ZBA made its decision remain the same. Andrie will not have a time limit in which she would need to complete her addition. McKernan explained that Andrie, her mother, and sister would be considered a single-family unit and therefore the addition would not alter the use of home as a single-family residence.

**MOTION:** By Member Brew, supported by Member Giarmo, to enter the staff report dated September 5, 2018 into the public record.

**Discussion:** None

**Ayes:** Giarmo, Brew, Hilton, Tietz, Werkema

**Nays:** None

**Abstain:** None

**Motion:** Passed

Chair Werkema solicited comments from the ZBA regarding the dimensional variance review standards of Section 26.8(D) of the GCTZO. ZBA members agreed with staff's assessment that the variance was minimal since it would not decrease the existing setback and was not a self-created hardship. Several ZBA members disagreed with the staff report's assessment of the applicant's request as a privilege rather than a substantially property right.

**MOTION:** By Member Tietz, supported by Member Giarmo, and based on the findings of the staff report dated September 5, 2018 to approve a dimensional variance from Section 7.3 of the GCTZO to allow for additions to the northeast and northwest sides of the home with a front yard setback of 18 feet where 35 feet is generally required.

**Discussion:** None

**Ayes:** Giarmo, Brew, Hilton, Tietz, Werkema

**Nays:** None

**Abstain:** None

**Motion:** Passed

**VI. GENERAL DISCUSSION**

None

**VII. ADJOURNMENT**

**MOTION:** By Member Giarmo, supported by Member Tietz to adjourn the meeting.

**Ayes:** Giarmo, Brew, Hilton, Tietz, Werkema

**Nays:** None

**Abstain:** None

**Motion:** Passed

Meeting Adjourned at 7:35 pm.

**CERTIFICATION**

I hereby certify that the above is a true copy of the minutes from the September 12, 2018 Regular Meeting of the Gaines Charter Township Zoning Board of Appeals held at the time and place mentioned above pursuant to the required statutory procedures.

Respectfully submitted,

---

Michael Alex Brew, Secretary  
Gaines Charter Township  
Zoning Board of Appeals

Dated: January 9, 2018