

**DRAFT MINUTES OF THE GAINES CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
FOR THE REGULAR MEETING HELD ON
March 9, 2011**

I. CALL TO ORDER AND ATTENDANCE. The meeting was called to order at the Township Offices, 8555 Kalamazoo Avenue SE, at 7:01p.m. by Secretary Steigenga. Attendance was as follows:

- A. MEMBERS PRESENT:** Dan Fryling, Ted Essenburg, Gayle McGrath. Ruth Ringnalda (Alternate), Dick Steigenga.
- B. MEMBERS ABSENT:** Don Drenth.
- C. OTHERS PRESENT:** Megan Sharp, Assistant Planner.

II. CONSIDERATION OF MEETING AGENDA

- MOTION:** By **RINGNALDA**, supported by **FRYLING**, to approve the agenda for the March 9th, 2011 meeting.
- YES:** Essenburg, Fryling, McGrath, Ringnalda, Steigenga.
- NO:** None.
- ABSENT:** Drenth.
- MOTION CARRIED.**

III. CONSIDERATION OF MEETING MINUTES

- MOTION:** By **RINGNALDA**, supported by **FRYLING**, to approve the minutes for the July 14th, 2010 regular meeting as presented.
- YES:** Essenburg, Fryling, McGrath, Ringnalda, Steigenga.
- NO:** None.
- ABSENT:** Drenth.
- MOTION CARRIED.**

IV. INQUIRY OF CONFLICT OF INTEREST: None.

V. ADVERTISED PUBLIC HEARINGS

1. 7:05PM – Use Variance – 3596 – 68th St. SE – File No. 110128AT

Steigenga introduced the request.

Bruce Nelson was present to represent Armada Technologies. He explained that they design and wholesale test equipment for landscape contractors. It was a niche business that started as a hobby, and only two other companies do it. They do not manufacture. The three current employees include himself, a traveling salesman and a repair and support technician. He purchased the property because its location was closer to his Caledonia home than their current location on 29th Street.

Steigenga opened the public hearing at 7:05 p.m.

Patrick VenHuizen of 3565 – 76th St. SE, inquired about the type of wholesale and found from Nelson that although it was wholesale people would not come and go. On a day all three employees are in town there would be three cars in the lot during regular business hours, and a UPS truck once a day.

Nelson stated they would not have a dumpster, worked with no hazardous materials, and that the use would be quieter, less visual and less of an impact than the previous day care. The only changes they would make would be some interior remodeling of the classrooms.

Steigenga closed the public hearing at 7:08 p.m.

Fryling complimented Nelson on the completeness of the report and application, and found that Nelson’s attorney had done the research and submission.

Ringnalda complimented staff on the staff report and stated the recommended conditions answered her possible concerns.

Essenburg stated the item was straightforward, practical and simple at the Planning Commission level as well.

Fryling found that Nelson agreed with staff's recommended conditions and that if the business grew larger or expanded its services beyond the conditions it would require Nelson to move to a larger industrial location anyways.

MOTION: By **FRYLING**, supported by **RINGNALDA**, to approve the requested use variance for File No. 110128AT with the following conditions:

1. Only uses related to the research, development, repair, shipping/receiving and sale of sprinkler and small electronic landscape test equipment are permitted.
2. No retail is permitted on site.
3. No more than eight persons may be employed on site.

Based on the following findings:

- The proposed use is the minimum intensity and use reasonable for the existing structure and site characteristics, and the least variation from the previously approved institutional uses as possible.
- The proposed use will not injure or affect the welfare of neighboring properties, residents, character or the public welfare as it is a similar and less intense use than previously approved and no structural or physical changes to the site are proposed.
- The variance would not impair the intent or purpose of this Ordinance to permit reasonable uses that are the most compatible and maintain the quality and character of the neighborhood and environment.
- Due to the age and history of the building, the building itself is not a self-created problem.
- As this is the first use variance requested in five years and the site's structure and elements are unique, staff found no evidence of a recurring nature.
- The variance is necessary for the reasonable use of the structure in a manner that is similar to other uses permitted by special use approval in the A-R zoning district, such as institutional uses.
- As the building is a quality, attractive, well-maintained building it would be an unnecessary hardship and unreasonable to require its removal or renovation in order to accommodate the permitted by right, residential dwelling use.

YES: Essenburg, Fryling, McGrath, Ringnalda, Steigenga.

NO: None.

ABSENT: Drenth.

MOTION CARRIED.

VI. PUBLIC COMMENT ON NON-AGENDA ITEMS: None.

VII. GENERAL DISCUSSION.

Sharp informed the Board that she had accepted a job at a local law firm and this would be her last meeting. Township Planner Tingley would take over until the Assistant Planner position was filled.

1. Election of Officers

Steigenga found the Board would prefer to wait until the next meeting for the election of officers, as Chairperson Drenth was absent.

MOTION: By **RINGNALDA**, supported by **ESSENBURG**, to table the election of officers until the next meeting.

YES: Essenburg, Fryling, McGrath, Ringnalda, Steigenga.

NO: None.
ABSENT: Drenth.
MOTION CARRIED.

VIII. ADJOURNMENT

MOTION: By **FRYLING**, supported by **RINGNALDA**, to adjourn.
YES: Essenburg, Fryling, McGrath, Ringnalda, Steigenga.
NO: None.
ABSENT: Drenth.
MOTION CARRIED.

Meeting adjourned at 7:24 p.m.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the March 9th, 2011 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,

Richard Steigenga, Secretary
Gaines Charter Township
Zoning Board of Appeals

Dated: _____, 2011