

**MINUTES OF THE GAINES CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
FOR THE SPECIAL MEETING HELD ON
MAY 25, 2011
AT THE GAINES CHARTER TOWNSHIP OFFICES
8555 KALAMAZOO AVENUE SE
CALEDONIA, MICHIGAN 49316**

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

- A. MEMBERS PRESENT:** Don Drenth, Ted Essenburg, Dan Fryling, Gayle McCrath, Ruth Ringnalda (Alternate)
- B. MEMBERS ABSENT:** Gayle McCrath, Dick Steigenga
- C. OTHERS PRESENT:** Brian Tingley, Township Planner and Jenni Lamb, Recording Secretary

II. CONSIDERATION OF MEETING AGENDA

- MOTION:** By **RINGNALDA**, supported by **FRYLING**, to approve the agenda for the May 25, 2011 meeting as presented.
- YES:** Drenth, Essenburg, Fryling, Ringnalda
- NO:** None.
- ABSENT:** McCrath, Steigenga
- MOTION CARRIED.**

III. CONSIDERATION OF MEETING MINUTES

- MOTION:** By **ESSENBURG**, supported by **RINGNALDA**, to approve the minutes for the May 11, 2011 regular meeting as presented.
- YES:** Drenth, Essenburg, Fryling, Ringnalda
- NO:** None
- ABSENT:** McCrath, Steigenga
- MOTION CARRIED.**

IV. INQUIRY OF CONFLICT OF INTEREST: None.

V. ADVERTISED PUBLIC HEARINGS: None.

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

VII. GENERAL DISCUSSION.

1. **7791 Eastern Avenue SE – Use Variance – McDonald Plumbing – Request to allow construction of a 5184 foot tool shed – File No. 110420EM**

Drenth found clarification from Tingley regarding public hearing notification requirements. Tingley stated that a public hearing was held on May 11, but Drenth could still take public comment if he wished.

Ed McDonald, the applicant, reviewed the history of the request, the property and the business, which has been at the site for approximately 25 years. At one point they had considered developing the property with residential, but decided against it. He recently acquired the two properties/houses to the south and they would not be used for the business. The increased traffic at the houses is due to updates that have been done to the property. The proposed building will have electricity.

Drenth found from applicant that the two-track is not used for the business, but is used by vehicles coming from the north to perform maintenance on his late mother's house.

Ringnalda found from the applicant that the proposed building will house vehicles/tools that are currently sitting outside.

Drenth found from the applicant that he received a variance in 1987 and has increased the amount of equipment that is housed since then.

Essenburg stated that the business has a good track record. They have screened well, the Township has had no complaints in the past, and the property well maintained.

Drenth concurred that the property is well screened and maintained

Fryling stated that at the prior meeting the building location was an issue.

McDonald stated that due to topography and how water drains on the site the proposed location makes the most sense. He explained how he installed a pond on his property to hold the water.

Fryling stated that the other comment coming from neighbors is that this building is a tool for growth.

McDonald stated that he currently rents storage space to house equipment and wants to move things inside. They have no other plans for expansion.

Fryling stated as a resident that lives close to the area he would prefer to have equipment inside due to theft and aesthetics

Ringnalda stated that she also had visited the property, thought it was well screened and agrees that additional screening might be necessary.

Drenth entered into the public record a letter received from Tim and Julie Ainsworth, 640 79th Street SE, in opposition of the request.

Drenth addressed a few points made in the letter, stating that the business has been there longer than 17 years and that each request is considered individually.

Drenth entered into the public record a letter received from Jim and Carol Jakosh, 7815 Eastern Avenue SE, in opposition of the request. Tingley stated that the Jakosh's also submitted a letter of opposition for the May 11 meeting.

Drenth reiterated the requirements for notification and public hearings.

Frank Chase, 663 79th Street SE, stated his property shares the largest percentage with McDonalds, he's a good businessman and neighbor and they have used their services. He is concerned about encroachment from the business on the residential area, has a problem with the location of the proposed building and possible devaluing of his property. He is not against expanding the business, but not in a residential area. He feels that the drainage issues affecting the location of the building could be addressed with grading.

Sharon Chase, 663 79th Street SE, reviewed the zoning ordinance requirements for special land uses. She stated she is still concerned about a drive going to 79th Street and how it will devalue their property.

Drenth stated that McDonald is operating legally; no one can tell the future or give assurances regarding the future.

Essenburg stated that he feels McDonald Plumbing is a benefit to the area and should be considered an asset.

Fryling stated that the Ainsworth's are on the south side of the road and not in direct line of sight of the property

Ringnalda found from Tingley that McDonald would have needed a variance even to place the building on his current parcel.

Fryling found from Tingley that if this request is denied, a residential development could be planned with an access drive on 79th Street.

Trina Larson, 742 79th Street SE, commented that initially she was very concerned, but is now relieved to find that there would be no new access road. She stated she is not opposed to the building.

Chad Dykstra, 700 79th Street, had heard comments regarding the house becoming an office and found from McDonald that it is not planned for the future, and found from Tingley that any additional buildings proposed would require another use variance and all properties within 300 feet were received public hearing notifications.

Tingley stated that if the Board looked favorably upon the request, it should clarify where exactly the screening should be installed. The staff recommendation was that a Type II Buffer be installed along the east side of the building, but the Board may wish to include the south and west sides.

MOTION: By **ESSENBURG**, supported by **FRYLING**, to approve the requested use variance for File No. 110420EM, based on the findings as listed in the staff report dated 5/18/11, with the following conditions:

1. All recommendations of the Township Engineer and Township Fire Chief must be met.
2. The appearance of the proposed buildings must reasonably match those of the existing buildings.
3. The plumbing business may only be accessed from Eastern Avenue.
4. The proposed building must be screened by a Type II Buffer along its east, west and south sides.
5. The applicant must receive final site plan approval from the Planning Director prior to a building permit being issued.

YES: Drenth, Essenburg, Fryling, Ringnalda

NO: None

ABSENT: McCrath, Steigenga

MOTION CARRIED.

2. Election of Officers - 2011

The Board kept this item tabled in order to have all current officers present when decisions were made.

VIII. ADJOURNMENT

MOTION: By **ESSENBURG**, supported by **RINGNALDA**, to adjourn.

AYES: Drenth, Essenburg, Fryling, Ringnalda

NAYS: None

ABSENT: McCrath, Steigenga

MOTION CARRIED.

Meeting adjourned at 7:56 p.m.

CERTIFICATION

I hereby certify that the above is a true copy of the minutes from the May 25, 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